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SOCIETIES FORBIDDEN IN THE CHURCH.

THROUGH some misunderstanding or misinterpretation of facts the opinion has recently gained ground, both within and outside of the Church, that Catholics may safely and without distinction join associations formed for the ostensible purpose of mutual protection, whether purely beneficial, or industrial, or political; provided such associations do not come under the express name of "Freemasons" or "Masonic" societies. That this is a manifest error we propose briefly to show, and also to point out how far the prohibition of the Church against so-called "secret societies" actually extends.[1]

Before entering upon our argument it will be necessary to have a clear understanding of some of the terms used in connection with the subject of "condemned societies." When there is mention in ecclesiastical statutes of such words as *allowed*, *not allowed*, *forbidden*, *excommunicated*, etc., we must guard against accepting these terms in the vague and indefinite sense in which they are indiscriminately used in ordinary language.

Forbidden, and, consequently not allowed is that which by some law, natural or positive, divine or human, man is restrained from doing. As the present question deals with societies which are forbidden by the Church, we say, that a society is forbidden or not allowed, if the laws of the Church characterize it as such. On the

1 Some time ago we wrote a paper on this important subject for our Archdiocesan Organ, "The Catholic Citizen." The present article is substantially a reproduction of the same. F. X. K.

other hand, a society is allowed or not forbidden, if Catholics are not, by any law of the Church, restrained from joining the society.

More or less identical with the terms forbidden or not allowed is the term "dangerous"; for what is dangerous to faith and morals, is, in proportion to the greatness of the danger, in itself more or less strictly forbidden by the natural law.

"Excommunicated" and "forbidden" are by no means identical terms. To be excommunicated means to fall under the ban of the Church, to be, in a certain sense, cut off from the community of the faithful. Excommunication, or the ban of the Church, is a positive penalty, attached to a prohibition, and as the sanction thereof.

Every excommunication presupposes a prohibition, but the transgression of a prohibition does not in every case draw excommunication as a punishment upon the transgressor.

There is another distinction to be made. An action or a society can be forbidden with the express mention of its name, or else simply by a general law. Thus excommunication can be pronounced upon a person or society with express mention of the name, or, again, by a general law forbidding certain acts under the penalty of excommunication. Therefore, a particular society may be excommunicated by name, whilst another may not be excommunicated by name but by virtue of a general law. Again, a society may not be excommunicated, yet this does not imply that it is allowed; for, though not excommunicated, it may be forbidden, and even forbidden expressly *by name*. Moreover, a society may neither be excommunicated nor expressly or simply forbidden; still, it may be a dangerous society, and on account of the danger it may not be allowed to Catholics to join it, under pain of mortal sin.

After this explanation and distinction of the various terms we proceed to state our proposition and prove it. *It is absolutely not true that the Freemasons are the only society forbidden by the Church, and that, consequently, a Catholic may join any other lodge or society, except the Freemasons.* The Third Plenary Council of Baltimore plainly enjoins:

1. That all former decrees of the Roman Pontiffs against all societies condemned by the Holy See are to remain in full force, according to the tenor of the Constitution "Apostolicæ Sedis" and the meaning of the Roman Pontiffs.

2. That the Freemasons and the Carbonari are excommunicated by name.

3. That all other societies, though not mentioned by name, are excommunicated, if they are of the same nature as the Freemasons and Carbonari, that is, all those societies which openly or secretly plot (machinantur) against the Church, or against the lawful government, the State.

4. That all those societies are excommunicated which have their own minister or chaplain, their own (religious) ritual and their own (religious) ceremonies, in such a manner as thereby to become a heretic or schismatic sect.

5. That any society which requires its members, be it under oath or otherwise, not to reveal its secrets to any one, not even to the ecclesiastical authority, that is, the bishop ; or which demands, be it by oath or by mere promise, from its members a blind and absolute obedience, is forbidden under grievous sin, and that the members of such a society cannot be absolved until they actually leave the society or at least promise to do so at once.

6. That the faithful and especially youth, are to be taught and earnestly admonished carefully to avoid all such societies, as in the *judgment of the bishop of their own diocese*, are in any way dangerous to faith and morals ; for, as the instruction of the Holy Roman and Universal Inquisition, dated May 10th, 1884, remarks, it is well to be considered that there are still other societies which, though they do not clearly belong to those enumerated above (that is to societies excommunicated or forbidden under mortal sin), are at least doubtful and dangerous. The bishops, whose chief care it must be to preserve the doctrine pure and the morals uncorrupted, must know that it is their duty to deter and keep away their flocks from these societies.

So much for the decrees of the Third Plenary Council of Baltimore. Certainly, these decrees show clearly and plainly :—1. That besides the Freemasons and Carbonari there are other societies, which, though without express mention of their names, are forbidden by the Church, and which, consequently, no Catholic may join. *There are others, and such as are implicitly* (not expressly or by name) *excommunicated* ; again, *others which are forbidden under mortal sin* ; and finally *others which are full of danger*, and let this be well understood, *of such a danger that the confessor becomes*

bound to refuse absolution if the danger be not shunned. 2. It also becomes evident from these decrees that the Bishop of the diocese has indeed a duty in this matter, not only to declare whether a society be allowed, but also to warn against a society when he is convinced that it will injure his flock.

It appears from local statistics that the society of "Odd Fellows" has within late years gained large increase of members from the Catholic ranks, on the plea that they are not "Freemasons," and therefore not a society forbidden by the Catholic Church. Let us see if this is true.

In the year 1850 the Congregation of the Holy Roman and Universal Inquisition, upon the repeated inquiry of the then Bishop of Philadelphia, Most Rev. Francis P. Kenrick, declared that the "Odd Fellows" and the "Sons of Temperance" are included in the Pontifical Bulls against the secret societies. From that time the "Odd Fellows" in America were considered as a society *expressly and by name* forbidden by the Church, and, as we believe, with good reason. For, in the question, submitted to the Holy See, they were expressly named, and to this express question the answer came from the highest ecclesiastical authority "they are included." The only doubt which could remain was whether they are also expressly *excommunicated*, the Bishop having only asked whether they were forbidden. But it seems that the answer went farther than the question.

Before the opening of the Vatican Council, Pius IX, in October, 1869, issued the Constitution, *Apostolicæ Sedis*, for the purpose of reducing the number of Ecclesiastical Censures (therefore also of excommunications). As the "Odd Fellows" are not mentioned in this Constitution, it is inferred that they are not *expressly and by name* excommunicated, and that if they had been so before, the express excommunication has been removed by virtue of this Constitution. This inference is strengthened by a remark of the late Cardinal Franzelin, who with the American Archbishops prepared the subject-matter for the Third Plenary Council of Baltimore. However, both the intention of Pius IX, namely, to reduce the number of excommunications, and the remark of Cardinal Franzelin, prove at the most, that the Odd Fellows are no longer excommunicated *expressly by name;* but by no means that the declaration of the Congregation of the Holy Roman and Universal Inquisition has been rescinded. Rome may set aside a positive ecclesiastical penalty, but will never contradict itself, will never declare at one

time that a certain society is included in the Pontifical Bulls which prohibit secret societies, and again, that it is not forbidden. If, therefore, the ecclesiastical legislation has changed anything in this question, it is only in this, that it has removed the express excommunication. We believe, with entirely good reason, that the "Odd Fellows" are a society *expressly and by name forbidden*, waiving the question of their being also excommunicated.

Another society which, in consequence of the above mentioned erroneous interpretation, has considerably increased its membership from Catholic ranks is that of the *Knights of Pythias*. Hitherto the Knights of Pythias have not been expressly condemned by any ecclesiastical authority. Hence they are to be considered in the light of the general provisions of the Council of Baltimore. But as according to their own official organs they put themselves on the same platform with the Freemasons, impose absolute secrecy on their members, use a quasi-religious ceremonial, (cæremoniis valde suspectis) it is, in accordance with the principles of the Council of Baltimore, sufficiently clear what we are to think of them. However, we do not wish to write of the various societies, whose number is legion, in particular, but only desire to demonstrate that it is radically false to call *only* the Freemasons a society forbidden by the Church.

The objection may be urged against us that the same Council of Baltimore to which we appeal has appointed the College of the Archbishops of the United States as the only competent tribunal in the matter of secret societies, and that the Archbishops assembled in Boston (July, 1890) have published a declaration by virtue of which only the Freemasons are a forbidden society. It is in this rumor that the dangerously false opinion which we are endeavoring to displace seeks its justification.

As to the first part of this assertion,it is true, that the Council of Baltimore has decreed, that the College of the Archbishops shall be the competent tribunal to decide, in the first instance, whether a newly organized society is to be condemned by name or not; but the Council of Baltimore has not granted nor could it grant, to the Archbishops the power to modify, or set aside a decision already given by a higher ecclesiastical court.

Now with regard to the Odd Fellows, Sons of Temperance and Fenians we have already a decision to the effect that these societies are included in the condemned (*damnatas*) societies, and that, consequently, they are expressly forbidden, to say the least. As re-

gards the declaration of the Archbishops in their meeting at Boston (July 1890) it must be allowed, that it has been misunderstood and misinterpreted; and it is certain, that the construction which has been given to that declaration was not in the minds of the Archbishops, all of whom had taken part in the Council of Baltimore.

A short time ago the report of the Secretary of the meeting of the Archbishops in St. Louis (November, December 1891) was made known. Most Rev. John Ireland D. D., Archbishop of St. Paul, acted as Secretary of that meeting. From his report it appears that the erroneous interpretation given to the declaration of the Archbishops at Boston, was the very reason why the Archbishops at St. Louis *reconsidered* the question about the forbidden societies. The report of the Secretary of the Archbishops' meeting at St. Louis contains the following significant passages with regard to forbidden societies: "It was generally agreed upon that the wording of the resolution of the previous conference, as reported by the Secretary, was somewhat inexact and did not give the correct idea of the mind of the conference. * * * After further discussion the resolution was passed, that the rules of the Third Plenary Council, regarding societies be adhered to, the resolution of the Boston Conference to be explained as not having altered these rules." After all this, we ask: "Are only the Freemasons a forbidden society?" A decided "No" must be our answer and we believe to have shown it beyond any doubt.

We should not be surprised, however, if some would attempt to cavil at our line of reasoning and our application of the rules of the Council of Baltimore to other societies besides the Freemasons. Every one, nevertheless, can satisfy himself as to whether or not our statements and deductions are in strict keeping with the teachings of the Council.

In the instruction of the Holy Roman and Universal Inquisition, which has been embodied in the Council, it is made the bishop's official duty to warn the faithful even against such societies as are not clearly forbidden, but which are doubtful and dangerous, and to keep them away from these societies. We certainly know that wise ruling of the Council which forbids any single bishop or archbishop to condemn, by name, a society as excommunicated or forbidden under mortal sin, before an unanimous declaration of all the archbishops, or a Roman decision has pronounced them as such; but this by no means relieves the bishops of their duty to watch, warn, admonish, and to declare, if they deem it necessary, that the faith-

ful of their dioceses cannot join any society at will. In doing this no bishop can be charged with acting over-zealously or arbitrarily; he simply fulfills his duty as one of the God-appointed watchmen of Sion.

F. X. KATZER.

CLERICAL STUDIES.

SIXTH ARTICLE.

PHILOSOPHY. (CONTINUED.)

IT has been our object, in a recent article, to point out the direction given to philosophical studies by Leo XIII in his Encyclical "*Aeterni Patris.*" Since, by its very nature, Philosophy is at the root of all human knowledge, every other subject of inquiry leading back to it, we see at once that in no intellectual pursuit is there greater need of wisdom and caution, none in which authoritative guidance should be more welcome. Hence the special value that attaches to the recommendations which we have gathered from the pontifical document.

But general directions, however safe, require to be worked out in detail and completed, and to this we propose to devote what remains to be said on the study of Philosophy.

In practical questions the best guide, after authority, is experience. In the present matter, experience reaches us in many ways. There is, first of all, our own experience and that of those around us who have devoted themselves to the study—some, in addition, to the teaching—of Philosophy. No thoughtful man can have done one or the other for any time without reaching many practical conclusions as to most effective methods of attaining or imparting philosophical knowledge, and we confess our readiness to attach much more importance to such experience, especially when multiplied, unprejudiced and independent, than to rules, though ever so plausible, when they are only the outcome of *a priori* theories or principles.

Then there is the general experience of mankind at large. Almost as far back as we can look into the past, we find man struggling with the obscurities which envelop him on all sides, and guessing at the hidden causes and connections of things. The record of human

thought thus striving to solve the fundamental problems of mind, and to build up knowledge on the solid foundation of ascertained truths is what constitutes the History of Philosophy. To us it seems that nothing is more instructive to seekers after truth than to trace accurately the paths that other explorers have followed, and to consider what they have been led to. In this, as in its other shapes, History is the best of guides—*Magistra vitæ*, as Cicero calls it; teaching most practical lessons to whoever has learned to read them.

It is to the latter that we would beg leave to call the attention of the reader in the present paper, as they come forth, not from the whole history of Philosophy, but from that form of it in which we are mainly interested—the Philosophy of the schools. This Philosophy has been long before the world, and the history of its various fortunes through past ages is sure, if properly understood, to convey to us the most valuable lessons.

I.

We have already explained briefly in what manner the scholastic philosophy came into existence; how it was gradually built up until it reached its full, majestic height under the master hand of S. Thomas. A structure so complete and so solid, a shrine in which the whole Christian world came to worship, might well seem destined to stand for ever. But such is not the lot of man's work, whatever shape it may assume. That of the schoolmen soon exhibited signs of decay, and it is its gradual decline, from within and from without—in itself and in its hold on the minds of men—that we have presently to follow out and to account for, in order to preserve, so far as may be, its renascent life from what proved fatal to it in the past.

The general fact is unquestionable. Before the close of the XIIIth century the great philosophical and theological movement, begun well nigh two hundred years earlier, had reached its highest level. A few years later, and we look in vain for a sequel to the deep views and bold speculations so common in the two foregoing ages. No great thinker emerges; no powerful, synthetic mind. A dead level prevails, scarce broken by a few who emerge momentarily from the crowd and disappear. There is nothing, after all, exceptional in this. It would seem to be almost a law of human development that periods of especial brilliancy in any direction should be followed by a term of powerlessness and sterility. The collective strength of a nation or of a race is seen, like that of an individual, to exhaust itself

in a supreme effort and then to collapse. The generations that follow are content to enjoy the transmitted heritage without hoping or wishing to add to it.

So was it in the schools at the close of the great creative epoch. All the principal questions had been settled—it seemed for good. They had gone through the accustomed phases of obscurity, of discussion, of light. The master minds had passed their verdict on them, and thus stamped, they had passed into the current teaching of the schools. Why open them afresh? Yet speculation lives only on condition of being ever stirred up and compelled to fresh efforts. *Vita in Motu.* Stagnation means decay and ultimately death. But there was little then to keep men's minds astir, no new strong current of thought, not even a deep intellectual heresy, such as awakened and compelled the highest mental efforts of the Fathers. Heresies indeed there were, but the fruit of fanaticism rather than of reflection, and dealt with by the secular arm in preference to theological argument. Neither was there any of those collateral developments which invariably lead to further philosophical speculation. There was no history to speak of, nor could there be, in the circumstances. Literature as a distinct pursuit was unknown. Nature indeed was open to observation, but Aristotle was supposed to have seen all there was to be seen in it, and to have accounted for all. Thus confined to the narrow channel of scholasticism itself, that is of a science almost as definite and settled as mathematics, what remained of mental activity had to spend itself on the little which was still open to it;—a rehearsal of the old theses and the old arguments—questions mostly trivial or unanswerable, yet solved by means of abstract and often arbitrary principles—classifications of the most artificial and fanciful kind, subtleties, refinements and distinctions without end. Of all this, indeed, there was more than enough from the very outset, and such was its hold that St. Thomas even did not feel at liberty to entirely do away with it, although one of his objects in writing the *Summa* was, as he tells us himself (Prolog.), to remove such obstacles from the path of beginners. "Consideravimus enim novitios a diversis plurimum impediri . . partim propter multiplicationem inutilium quæstionum, articulorum et argumentorum." Perhaps the fault lay originally with the great master, Aristotle, himself, whose keen, methodic mind seems to lead him on to distinguish and divide indefinitely, without any special regard to practical purposes. From whence-ever it came, the evil flourished more and more as time went

on, to the detriment both of the dignity and the usefulness of the Philosophy and the Theology of the schools.[1]

II.

Side by side with this evil, another of no less magnitude flourished in the Schools from beginning to end—the love of disputation—not as a means to test new views, to clear up obscurities, to refute error, or even to sharpen the mind by dexterous dialectic fencing, but for its own sake, as a display of ready wits and on all manner of subjects. It was doubtless in some measure a necessity of the times, for, without books, which were rare and accessible only to a few, on what could freshly awakened minds spend their energies, unless in discussing whatever came before them? And then for the quick-witted who cared not to learn, it became an easy means of asserting their superiority, whilst it kept up for all the pleasant excitement of an incessant contest, such as is found in the public games of our own times, of which the record is so eagerly sought for in our daily papers.

Whatever the cause, the practice of disputations became constant, and gradually spread to all forms of learning. Of this we find evidences at every period from the XIIth to the XVIth century. To show what it had come to in the end, we cannot do better than quote the description left us by the Spaniard, Vives, tutor to Queen Mary of England: "Nullus est alius studiorum fructus quam præsenti animo non cedere adversario, intrepide eum vel aggredi vel sustinere, et callere quo robore, qua arte, qua supplantatione sit subvertendus. . . . . Consultum fuit statim assuefacere puerum et eum perpetuo exercere, ut altercandi recens natis initium, finis nullus nisi cum morte sit. Puer ad scholas deductus primo die jubetur disputare et docetur jam rixari qui fari nondum potest.

1. To give some idea of what the mania for artificial dissection and arrangement of thought had come to, we may quote the following extract of the Commentary by WILLIAM DE VORILLONG, a Franciscan of the XVth century, on the first words of the sentences of Lombardus. "Dividitur ista pars in quatuor . . . Primo agitur de beatæ Trinitatis immensa natura . . . secundo de creatæ novitatis ostensa factura . . . tertio de electæ caritatis firma junctura . . . quarto de abjectæ vetustatis ablata fractura. Prima iterum particula in tres partes dividitur. In prima distinctionum præmittitur necessaria notificatio, in secunda earumdem concluditur utilis epilogatio. In tertia inseritur Trinitatis miranda explicatio . . . Rursus ista prima pars in tres partes dividitur. In prima quarum ostenditur penes quod versatur doctrinæ speculatio—in secunda distinguitur voluntatis distinctio. In tertia triplex concluditur utilis dubitatio . . . Rursus ista prima pars in tres partes dividitur, in quarum prima rerum et signorum ponitur distinctio, in secunda datur distinctionis declaratio, in tertia concluditur distinctionis applicatio . . Secunda pars . . in tres partes dividitur . . . Tertia pars . . . in tres partes dividitur," and so on for another half page, with much more of a similar kind almost in every part of the work.

Idem in Grammatica, in Historicis, in Dialectica, in Rhetorica, in omni prorsus disciplina. Nihil est tam liquidum quod quæstiuncula aliqua velut excitato vento non perturbent"—(De corruptis artibus tradendis, c. i.)

Such a condition of things could not but give rise to protest and opposition. The Popes, ever alive to the interests of the Church, were among the first to raise their voices in warning. Availing himself of his presence in Paris, at that time the most active centre of learning, Alexander III strictly forbade the thousands of students who, with their teachers, had gathered around him to deal henceforth in Theology with figures (allegories doubtless) and inappropriate questions "omnino interdixit," says the contemporary chronicler, "omnes tropos et indisciplinatas quæstiones in theologia." So again John XXII, in his directions to the same University, points out for correction the practice of certain theologians, "qui postpositis vel neglectis necessariis, utilibus et ædificativis doctrinis, curiosis, inutilibus et supervacuis philosophiæ quæstionibus et subtilitatibus se immiscent."

Another influence helped to counteract the tendency of the schools to dryness and subtlety, and ultimately to weaken their power. Simultaneously with scholasticism a different form of Theology had grown up, based, not on argument, but on contemplation and direct intercourse of mind and soul with God. This Mystical Theology, as it has been called, found its natural home in the religious orders, and through them diffused itself widely, not only among the pious laity, but in the great seats of learning to which they were wont to send their most promising aspirants. Thus, in the very centres of intellectual excitement as well as in the quiet retirement of the cloister, were heard words of gentle reproof and kindly warning to the too ardent votaries of scholastic science. We catch their echoes all through the *Imitation of Christ.* "Quid prodest magna cavillatio de occultis et obscuris rebus? . . Quid curæ nobis de generibus et speciebus? . . Noli extolli de ulla arte vel scientia, sed potius time de data tibi notitia." . . The three first chapters of that wonderful book are especially striking when read in the light of the mental conditions of the age inwhich they were originally written.

III.

A far more active and more destructive influence was brought to bear on scholasticism by the great movement of the Renaissance. To its two principal factors—the dispersion through Europe of

Greek literature by the taking of Constantinople, and the invention of printing—was due that wonderful enthusiasm for the ancient classics and the development of literary taste which spread with such rapidity all over the Western Church. As an immediate result, there grew up, in thousands of the most cultivated minds, a feeling of contempt and aversion for the school—dry, unattractive, and blighting, as it were, the natural beauty of everything it touched. Hence the enmity between the humanists, as they were called, and the schoolmen, so graphically described by Audin in his Life of Luther.

In the struggle between new and old which lasted better than a century, two characteristic figures of the distant past stand out in bold relief—Aristotle and Plato. Aristotle, the great and reverenced teacher, whose word had been law for so many generations—"the master," as Dante calls him, "of those who know,"—familiar with all subjects, deep and subtle in thought, but in form confessedly uninviting, obscure and, as Cicero himself remarks, compelling the mind to a constant effort, "*Magna animi contentio adhibenda est in explicando Aristotele.*"—Plato, deep, too, and far-reaching, but at the same time accessible to all, smooth and simple in style, bright and playful in his dialogues; vivid, dramatic, overflowing with fancy, an epitome, in a word, of all that was most refined and fascinating in the Greek genius. Upon a generation awakened to a sense of literary beauty, his power of attraction, as might be expected, was irresistible. To take up his writings after those of Aristotle, was like emerging suddenly from the dreary depths of winter into the bloom and fragrance of spring. Plato—the divine—was hailed with enthusiasm, studied, translated, commented. Academies were founded to propagate his doctrines. Many of the most powerful and original minds of the period adopted them, and although the movement died out in little more than a century, it had one great permanent effect, it destroyed the undisputed sway of Aristotle, and taught men to listen to many masters and to think for themselves.

Protestantism, which burst forth in the latter part of this period, naturally helped in the same direction. But it affected scholasticism in a far deeper, though less apparent, way. It made Catholic Theology polemical. In the increasing controversial warfare of the XVIth and XVIIth centuries, the abstractions and subtleties of the school were gradually dropped, to be replaced by the more effective weapons of biblical and patristic learning. Greek and Hebrew,

solid erudition and well authenticated facts supplied the only argument that told against Protestants; and Catholics themselves, in course of time, rested on them with an assurance which the metaphysical arguments of the past no longer inspired. Positive Theology thus brought back was cultivated more and more for its own sake. Its sources, historical and biblical, to be properly explored, required a manner of mental tact which metaphysics and dialectics could do very little to develop. The latter ceased, accordingly, to be cultivated with the same general, genuine conviction, and though still holding a prominent place in the programme of studies, and utilized in public disputations, they were little thought of outside the schools.

This is clearly shown by the small place they occupy in the principal ecclesiastical writings of the XVIIth century. Fleury (5c discours sur l'hist. eccles.) describes the ponderous tomes of the schoolmen enjoying on the shelves of libraries a dignified repose, which few were tempted to disturb. Mabillon, "the most learned man of a learned age," gives them only a very humble place in his *Treatise on Monastic Studies;* and the greatest educators of the period, Rollin, Nicole, etc., are in agreement as to the worthlessness of the subjects and exercises on which most time was spent by teachers and students.

IV.

Whilst the Philosophy of the schools was thus losing much of its importance from within, a new movement came from without which shook it to its very foundations. We refer to the development of the Natural Sciences and of the methods by which they came to be cultivated.

Aristotle had supplied the Middle Ages with a science of Nature as well as with a science of Thought. But though a close observer himself, and remarkable in his classifications of known facts, as of all else, his speculative mind led him to build theories of the universe devoid of any solid foundation. Yet his authority was such that his cosmology was as much believed in as his metaphysics. Thus all unhesitatingly admitted, because Aristotle had taught, that the earth was the centre of the universe; that it was composed of the four elements, distinguished from each other by their relative heaviness or lightness, warmth or coldness, dryness or moisture; that the celestial sphere and the stars consisted of a fifth essence called ether, the noblest of all, neither heavy or light, and moving

in a circle, the most perfect of all lines because nothing can be added to it. In this manner, on observations of the most ordinary and limited kind, Aristotle and the schoolmen after him had built up a whole theory of the universe, and explained by endless complementary hypotheses whatever facts they were confronted with. But gradually it came to be felt that a knowledge of the world based on *a priori* principles could be worth little and would lead to less; that only from nature herself, by direct and untiring observation, could man learn her powers and her laws. To the name of Francis Bacon, more than to any other, History has attached the honor of this new method of study. He certainly taught it more eloquently than any other philosopher, and formulated it more distinctly, as when he writes: "Ea est vera philosophia quæ mundi ipsius voces quam fideliter reddit, et veluti dictante mundo conscripta est, nec quidquam de proprio addit, sed tantum iterat et resonat." (Nov. Organ.) It met with much opposition, as might be expected, but it ultimately prevailed. This was another fatal blow dealt to the Philosophy of the schools, as much committed to the Physics of Aristotle as to his Metaphysics. The prestige of the latter was besides considerably dimmed by the failure of the former, and this accounts in some measure for the spirit of scepticism so noticeable at that time. Everything on which men had rested their convictions seemed to fail them. On the one side the traditional Religion was questioned, whilst on the other, the venerable philosophy of preceding ages was fast crumbling into dust.

V.

It was just that condition of mind, in a young man of extraordinary gifts, that led to the greatest philosophical revolution of modern times, and gave the finishing stroke to the supremacy of Aristotle and the schools. Descartes had studied the latter, like those of his time, but they had not satisfied him. He clung to his faith as a Christian, and remained loyal to it through life, but he felt his philosophical convictions to rest on an unstable foundation, and he resolved to take them asunder and build them up on a solid and immovable basis. We know the result, the *Discourses on Method*, which Bossuet called "the greatest book of the age," and which, followed by his Meditations and other writings, gave food to the reflections and fresh activity to the minds of men for a whole century.

Space does not permit us to retrace here the growth of Cartesian-

ism in spite of the most powerful and the most violent opposition. It is described summarily in all the manuals of the History of Philosophy, and a detailed and most interesting account of it will be found in the *Histoire du Cartesianisme* by *Bouillier*, and *Histoire du Cartesianisme en Belgique* by *Abbè Monchamp*. Still less can we undertake to examine each one of the theories of Descartes in detail. With a mind prodigiously active and original, he spread his investigations and reflections over the whole field of knowledge, and left permanent traces of his passage in every direction. Of his physical speculations much has disappeared, but certain fundamental conceptions originally due to him remain, and he is the acknowledged founder of one of the most important branches of mathematics—analytical geometry.

In Philosophy he was more radical, ruthlessly putting aside conceptions the most ancient and the most universally accepted, to set up his own in their stead. The minds of men thus disturbed in their habits, their prejudices, even in their religious beliefs, rightly or wrongly associated with the philosophical theories of the past, naturally resented such boldness, and resorted to every imaginable means to put it down. In France, in the Netherlands, where the new doctrines appeared, they became the object of a concentrated attack. Professors of Philosophy, theologians beyond counting, Catholic faculties, protestant Synods, bishops, papal nuncios, the Index itself and the irresistible power of Louis XIV, all combined to destroy them. The religious orders collectively were unanimous in their opposition. Even the Oratorians, who subsequently became the most ardent supporters of Descartes, laid down the rule in their general assemblies of 1671 "that none of the members shall depart, even from the Physics of Aristotle, commonly taught in their colleges, or favor the new doctrine of Descartes, which the King, for good reasons, has forbidden to be taught."

But the most active opponents of all were the Jesuits, bound by their Constitutions to the doctrines of Aristotle; "In Logica et Philosophia naturali et morali et Metaphysica, doctrina Aristotelis sequenda est" (Pachtler, Ratio Studiorum ii, 129), and making his writings, as was the common custom of the time, the groundwork of the philosophical teaching in all their colleges.

Yet at an early period some of their ablest men yielded to the fascination of the new doctrines. The trials endured by P. André in that connection have been pathetically told by Cousin. P. Buffier is full of the spirit of Descartes. Sympathy for his doctrines grew

so rapidly among the members of the Society that the General, Angelo Tamburini, felt compelled, in 1710, to issue directions forbidding a series of doctrines of the new school, this among others : "*Systema Cartesii defendi potest tanquam hypothesis.*"

VI.

Gradually the storm subsided. In a modified form the theories of Descartes had lost their original opposition, real or imaginary, to orthodoxy. Catholic faith, on the other hand, had been freed in the contest of some of its adventitious accretions. Almost in every religious order we find open defenders of the Cartesian Philosophy. Several are almost entirely won over to it, and we reach the middle of the XVIIIth century to find one of the most eloquent panegyrics ever written on Descartes bearing the signature of a Jesuit, P. Guenard.[1]

But long before, the greatest minds had been weaned from the old philosophy and become imbued with the new. No reader can take up the works of Bossuet, Fénélon, Arnaud, Thomassin, or, indeed, of any of the great writers of the period, without noticing the change. Outside the religious orders it is almost universal. And whilst the old traditions of the schools are thus broken up and scattered, no single system takes permanent possession of men's minds. Descartes is largely superseded by Locke and Condillac. Leibnitz and Wolf reign over Germany. A sort of general eclecticism pervades even the ecclesiastical colleges and seminaries. The manuals of Toul and Lyons, both mainly Cartesian, are the popular text-books of France during the XVIIIth century. The manuals of Belgium are of a similar description. Italy and Spain are more slow to change, but, if we may judge by the works which have come under our notice, they move in the same direction. Balmes is an eclectic, and Ventura, the first in Italy to raise his voice in favor of the old schools, declares in his *De Modo Philosophandi*, published in 1828, that though educated by men of learning and piety, he had imbibed in his philosophical course most of the false notions of Locke and Condillac.

In short, from the middle of the last to the middle of the present century, Aristotle and the scholastic Philosophy were almost entirely forgotten. Their methods continued to be followed in seminaries ; their principal theories were superseded by those of modern times.

1. This discourse, which won the academic prize, may be found in Migne's Demonstr Evangeliques, tom. 12.

Outside the Dominican and Franciscan orders the earlier philosophy was seldom mentioned and still more rarely discussed. In the general direction of studies issued in 1832 for the Society of Jesus, there is no trace of a disposition to go back to the Philosophy of S. Thomas—no special recommendation, in fact, of any school. If we are to judge by the works of the leading professors of the order during the period that followed, such as Dmowski in Rome, Fournier in France, Rothenflue in Fribourg, Cuevas in Spain, etc., the prevailing tone of their teaching was a free adaptation of Cartesian doctrines and methods with a tinge of Platonism.

But the second half of the century has witnessed a great change in favor of the Philosophy of the Schools. Once more it has been enjoined on the professors of the Society of Jesus, and some of its ablest supporters belong to that learned body. Leo XIII has given it the authority of his name and the weight of his influence. Under his inspiration Academies of S. Thomas have sprung up in various places, text-books embodying the ancient doctrines have been introduced into all the clerical schools, new editions of the great mediæval thinkers are being published on all sides.

Hitherto the movement seems to be confined almost entirely to the clergy, secular and regular. Occasionally, indeed, we meet among the laity men who show a leaning for some of the theories peculiar to the ancient philosophy. In connection with Aristotle, the speculations of the great schoolmen have come to be studied with more care, and to occupy in the History of Philosophy a place of which they had been long and unjustly deprived. They are clearly distinguished now from the unworthy accretions which made them, not long ago, a general object of ridicule. Yet nowhere outside the sphere of influence of the clergy can we discover, so far, anything like a collective, healthy movement tending to their adoption as a general system of thought.

But the slowest movements are not the least durable, nor ultimately the least widespread. It took more than a century to ripen and to diffuse the Philosophy of the Schools when first it came to light. We must not wonder if it takes more than a generation to accommodate it to its new environments and win back something of the universal favor which it formerly enjoyed.

Its success must ultimately depend on two things. First and foremost on its intrinsic value, positive and relative. Authority may have been necessary to originate the new movement by compelling attention. But Philosophy cannot be long sustained on such

a basis. Once known, it must rest solely and simply on its own merits. Free discussion and thorough ventilation can alone give it a permanent hold on the minds of men. Secondly, success must depend on the avoidance of the faults which proved so harmful in the past.

How this may be done we shall be more free to explain in our next paper, the last and, as we hope, the most practical, on the study of Philosophy.

J. HOGAN.

A REMINISCENCE OF CARDINAL MANNING.

IT was in the summer of 1884 when as a young priest I met for the first time that wonderful man about whom so much has lately been said and written, and who, aside of Cardinal Newman, had haunted my youthful imagination for years as a pattern of duty and as the ideal representative of the Catholic priesthood amid the influences of modern social life.

Just at that time he was prominently before the British public as a member of the royal Commission "for housing the poor." Probably no man on that Commission understood, as Cardinal Manning did, both the material needs and the feelings, as also that truer, because spiritual, destitution, which made the care for London's outcasts an imperative and preservative measure on the part of England's noble Lords. A friend from America and I had called at the Cardinal's house and presented letters of introduction. The Rev. Dr. W. Johnson, who received us courteously, told us that every hour of the Archbishop's time was so scrupulously occupied that between his many standing engagements it would hardly be possible to see him, at least, for some days to come. Incidentally and without intending to be impertinent I asked how the Cardinal employed his evenings.—"If there is no special appointment he usually goes out unaccompanied and on foot, none can tell where; only this we know, that the wretched hovels and tenements where London's poor are crowded together, are accustomed to the sight of a tall thin stranger, who sits down with them and talks kindly and familiarly with them, leaving comfort and human hope behind when his silent figure disappears in the darkness." Was this the man whom in later years the surging crowd of hungry and desperate dockyard-laborers recognized as their truest and only friend, when single-handed he urged them to

desist from the reckless course into which the arrogant attitude of merciless employers had goaded them? One can hardly doubt it. The people knew him as one of their own, though many did not know what was his rank, or name, or occupation.[1]

The next day we were informed that the Cardinal would be free and see us on the following morning. Lord Petre was to be buried that day; the Archbishop would celebrate the Requiem at eleven, and we could meet him an hour earlier.

Every stranger who has visited the old mansion has probably, upon first entering it, experienced something of that weird impression associated with the gloomy massiveness and large halls of the bare and simple edifice. One would be likely to receive a similar impression on seeing the Cardinal for the first time at a distance—austere in feature and hardly approachable. It would be impossible to act frivolously in his presence. It was under some such sense of restraint that we sat in one of the long parlors with its high ceiling and dark woodwork, when a servant entered to announc that His Eminence would be with us in a few minutes. He had hardly spoken when the Cardinal, accompanied by a gentleman, passed through the room where we were to a neighboring parlor in which another stranger seemed to await him. He nodded pleasantly and said to us "I shall be back directly to see you." We felt at our ease. The few words were spoken in a quick nervous manner, but with some sort of kindly emphasis which banished all thought of formality. If this was a great Prince of the Church whom we had thus far only read about, he was also the father of a Catholic flock to whom anyone might read out the most discouraging page of his heart. After a few minutes he returned. We saluted him in the customary fashion by kissing his ring, and he then moved a chair opposite to us and literally began to catechize us. It was very pleasant, because he was very amiable, and carried us at once back to our own home and diocese in America. The late Archbishop of Philadelphia, Mgr. Wood, was intimately known to him. There was a similarity of character between them, and both had a common attraction towards the devotion to the Holy Ghost. The conversation had gone on in this channel for a short time when, feeling

1 "Friend of the people," says the Archbishop of Capua, in writing of his now dead brother Cardinal, "because the friend of God, he goes in advance of contemporary philanthropists, economists, philosophers, in his study of the possible means for restoring the dignity and amending the condition of the poor. No man is more beloved by the laborer; and his name is almost as dear among Protestants as among Catholics, among the rich as among the poor. Temperance, arbitration, peace-making, public charity, have in him an eloquent, a persistent, a fearless advocate."

that, as the Cardinal had not yet said mass, our visit was a favor which forbade anything like protracted or commonplace conversation, I expressed our gratification at his having allowed us to see him and asked him to bless us for our journey to Rome. We meant to leave London in a day or two, as the outbreak of the cholera in the south of France was threatening to obstruct travel on the Continent and we were not prepared to pass through a lengthy quarantine. The Cardinal advised us to avoid the French frontier altogether, saying that we could reach Rome in sixty hours and give ourselves more time on returning. Upon mentioning our great desire to delay in Lombardy so as to visit the scenes of the life of St. Charles, the Cardinal slightly started as if affected by some inward emotion. "He is my patron," he said slowly, almost unnaturally; then quickly added: "You will be in London for to-day. I dine at half-past one. Come, and we can have an hour to talk over these things." He arose abruptly, repeated the words "at half-past one—come," and quietly glided out of the room.

I had looked at him with intense admiration all the time that he sat before us. His individuality had deeply impressed itself both on mind and heart. He seemed like a man who had never known trifles but outside of himself, yet who took account of them as the husbandman takes account of the weather-cock. He spoke as though time carried away precious burdens of thought and deed before the idle breath of useless words. His mind seemed eager for information. Every expression of the stranger with whom he conversed was quickly caught and turned over as though to find at once its purpose. You could not fail to carry away the conviction that here was one of God's master-builders, one who had taken a solemn contract to devote all his energies to the erection of a solid and lofty edifice which men might ascend, and which would bring them nearer to heaven, whilst it gave them a right survey of the flitting sights below. He had planned the way long ago, and had found on trial that such a structure could be raised only on Catholic principles. Once he had realized this he spared no pains; he neglected no opportunities; every stone in his path was a help; he hewed it or combined it and quickly placed it in its proper position. Cardinal Manning never broke his material, he did not believe in tearing down; and though relentless in exposing the hollowness of sounding pretence, he ever respected and sympathised with the sincere, even if passionate efforts to do good in any field. How many of England's people has he helped to rise and take a broader and truer

view of God's Church; how many, even though they have grown weary and timid in the upward struggle, have nevertheless become better and therefore nearer to the outstretched hand of a merciful Father who does not wish the death of the sinner. And this splendidly massive tower, whose height points to the bosom of God and lodges in the hallowed atmosphere of Christ's Church, has been a consoling lighthouse to the world's mariners around. "There are multitudes of us in London and elsewhere," says Mr. Stead in his beautiful tribute to his dead friend and counsellor,[1] "who are left forlorn and desolate. He was as a father in Israel, an Israel now orphaned and solitary, not knowing where to look for a guide so resolute and courageous and yet so tender and true."

Occasionally during our conversation I had noticed a nervous contraction of the face-muscles, as though they had been overstrained and lost their elasticity in the effort to penetrate into the solution of some problem which the heart's love for his fellow-man prompted with an eagerness different from that of the mere philanthropist.

The tone of the Cardinal's voice and his general manner had something incisive, and a sensitive person could hardly help the suspicion that there was a dormant fount of satire beneath the sober, though at times also playful, current of his conversation. Some of his desultory pieces written for the press and under the pressure of immediate provocation show that he was a master in handling this keenest of weapons, which often saves great men from encounters more or less dishonorable because of the position of their wanton antagonists. The same trait has been noticed as prominent in some of the pictures of the Cardinal. Perhaps such qualities are brought out more distinctly by the photographer's art, since men who are not accustomed "to pose" are apt to look with something of disdain upon the machine which compels them to sit for public show.

In manner the Cardinal was a Prince of the Church, and a man who unconsciously determined the attitude of those around him; a sort of centre which at the same time suggested the measure of the circle in which it lay. Yet there was nothing of imperiousness, nothing of that greatness which comes from mere environment or the insignia of worth. If his eye fastened on a pharisee it made the latter shrink by the force of that chaste light, which generated, diamond-like, within the recess of a pure and humble heart, marks

1 Review of Reviews, March, 1892.

with unfailing certainty the counterfeit by its side, luminous without borrowing its rays from the gold foil in which it is set.

We had occasion to see more of the Cardinal shortly after, at dinner. There are some features of considerate kindness which he showed us but which I must here pass over for fear of wearying the reader with too much of the writer's personality. When dinner was announced, Dr. Johnson, with whom we had chatted for a short time before, led the way to the dining room. It is a large hall adorned with a few portraits, of which I only remember that of Bishop Challoner and the Cardinal's own. The latter took us by the hand and introduced us to those present—the Very Rev. Canon Bamber, of Thorndon, Sir Archibald Douglass, a gentleman from Surrey whose name I forget, and the priests of the household. After the blessing one of the clergy read a portion in English from the Bible—I think it was the old Testament—and afterwards a short sentence in Latin. The meal, which was the regular dinner, consisted of soup, meats, wine and dessert. I noticed that when the servant presented a dish to the Cardinal he would in the first and second instance nod his head as if wishing to be helped, but without looking at the food. After that he touched very little of anything and no wine. It seemed as if he considered eating as one of the courtesies of life which had to be performed by a kind of habit but which required no special attention.

Lord Petre and the Requiem service of the morning became for a time the topic of conversation. The Cardinal was a decided advocate of Gregorian Church music and told us that we must not fail to go to the Ratisbonne Cathedral where we might hear the kind of singing which he had been anxious to introduce into his own diocese. He had made a mistake in beginning his reform by banishing the ladies from the Cathedral choir "for they had taken the men with them." Someone remarked that the present leader at the Kensington Pro-Cathedral was an able musician, an Oxford graduate and a Bachelor of music. "Yes, yes" added the Cardinal, turning to us, "there is more in it—for the singers are mostly old maids of music." Another subject which for reasons known to some American Publishers made us feel a trifle uncomfortable at the time, was the different methods of publishing books and the freedom of the American press. "With us here in England" remarked the Cardinal, "there is really no restraint—in truth the law is not felt to exist until one violates it." Towards the end of the meal the Health Exhibition which was going on at the Crystal

Palace was broached. Had we seen it? No.—"Well" said his Eminence "we shall make a party and go there this afternoon. I have an appointment with the Commissioner of the United States' Department and we can see the exhibit to advantage." All arose from the table and after grace retired to a domestic Chapel where a visit was made to the Most Blessed Sacrament. On returning, coffee was served to the guests who stood in groups and chatted while the Cardinal withdrew. We were to meet him some time later and found that our tickets for the exhibition had been purchased by his order.

The exhibition made no particular impression on me. The American section contained simply plans and diagrams of public buildings intending to show the advantages of construction from a sanitary point of view. Mr. Meyer, of New York, the American representative explained the very meager character of the exhibit on the ground that the United States had not been notified in time, that originally no room had been allotted for the purpose, and that the actual representation was really of a private character under the co-operation of the Sanitary Commission of New York City. There was good deal of explanation about "political" influence and the like, when the Cardinal, who had been engaged in examining some plans cut short our rhetoric by a succession of questions which showed that he had the mapping of the whole contribution in his mind. Every now and then he would return upon a previous answer as if to test its accuracy by some cross-query, and then repeat the statements slowly as though he wished to impress it on his own mind.

We walked through "Old London" of 300 years ago and then to Prince Albert's Hall where the music corps of the French Guard and of the Madgeburg Cuirassiers, Prince Bismark's regiment, met to emphasize their want of harmony and to intimate that they could properly appreciate each other only in battle.

All this time the Cardinal had been the unobtrusive centre of observation, as we could well notice. The high-bred loiterers here easily recognized him. Men gave way, as he approached; the ladies took position to view him unostentatiously as ladies alone know how to do when the observed commands their homage. The Cardinal seemed truly unconscious of any notice being taken of him. He walked with a grace and firmness which was surprising considering his age even then—straight as an arrow—from place to place hardly stopping anywhere, never sitting down even for a few moments during those two hours.

However the time came for us to leave him. "Call on me when you return from Rome," he said, "I have something for you." We promised. He blessed us and pressed our hands. Once more we were to see him in his home, and to deepen the clear impression of his own unequalled character upon our striving souls. But the details of this second visit I must keep for another paper.

DIVORCE "A VINCULO" IN THE SCHISMATICAL CHURCHES.

AT the close of the Council of Florence on the 6th of July, 1439, the memorable "Document of Re-union" between the Greek and the Latin Churches was issued. Pope Eugene IV, several days after this, asked all the oriental bishops then still at Rome[1] to appear in his court for a consultation on matters of discipline. This consultation was held on the 14th of July. The first reform proposed by the Pope himself on that occasion was "that their custom of allowing divorce *a vinculo* be abolished." The prelates present acknowledged the custom, but added, they could give no decisive answer as to its abolition, without having previously communicated with the Emperor and their absent colleagues. Their private view on the subject, however, was "that marriages among them are divorced only on *solid grounds*."[2] The re-union did not last, nor were the desired reforms introduced. Already in 1443 the patriarchs of Alexandria, Antioch and Jerusalem pronounced against the union. In Constantinople itself it was incessantly opposed and finally rejected. In 1453 Mahomet II marched into the capital of the Eastern Empire, established his throne there, converted St. Sophia into a Mosque, and placed the crescent above the Christian shrines. The Schismatical Greek Church now became a tool of the Turkish Sultans.[3]

The Græco-Russian Church in its turn was brought under the jurisdiction of the Tsar.[4] In 1448 the metropolitan of Moscow was

1 The Russian metropolitan, Isidor of Kiew, active in favor of the union, was also at Rome. See *Migne, Patrol. Graec.* 159.

2 See Hefele, *Concilien Geschichte*, Vol. 7, book 48, § 818.

3 See Brück's Church History, § 205, p. 729.

4 "The Russian Church from its origin to the end of the 16th century was subjected to the jurisdiction of the bishop of Constantinople, who, until then, had been acknowledged as its legitimate patriarch." See "Die morganland. Griechisch-Russische Kirche," Schmitt, V Chapter, 14 section, Ed. 1826. Prince Wladimir became a convert to the Christian faith in 989, and with that era began the history of christianity in Russia.

promoted to the primary of all Russia. In 1588 he was made patriarch of Moscow, and the patriarch of Constantinople was no longer recognized after 1660. His jurisdiction in Russia was at an end. The Holy Synod was established in 1721. Even at this day it constitutes the highest authority in church affairs with the sanction of the Tsar.

No inducement offered for a re-union by the Latin Church has since then ever been successful either in Russia or in Greece.[1] The Greek and Græco-Russian Churches obstinately refused to enter upon any negotiations with the Roman See. The papal legate, Possevin, sent to the Tsar Ivan IV, in the last half of the 16th century, could effect no reconciliation. When Peter the Great visited Paris in 1717, the University of the Sorbonne drew up a document of agreement. It was presented to the Tsar, and he accepted it, but beyond that nothing came of it. Intrigue and violence were on the other hand used to make proselytes of the Catholic Polanders, the inhabitants of Lithuania and Roumania.[2] Reforms aiming at perpetuating the schism were violently forced upon Roman Catholics under Catherine I 1703-1725), under Anne Twanova (1730-1740), under Catharine II 1762-1796), even under Nicolaus I, in spite of the concordat which he had made with Pius IX, in 1847. Nor did this system change under his son Alexander II.[3]

The Greek Church remained subject to the patriarch of Constantinople, whilst he in turn was at the mercy of the Sultan. In the "Declaration of Independence" of Greece from Turkish rule, the 13th of January, 1822, the Oriental-Orthodox Church was proclaimed the church of the State. In 1823 a project to remodel the State-religion was proposed and adopted at the National Congress of Astros. Finally, in compliance with the royal desire, 63 metropolitans, archbishops and bishops, came together at Naplia in 1833 to proclaim the independence also of the Greek Church from the patriarch of Constantinople.[4]

Thus fared the Greek and Græco-Russian Churches. It is remarkable that in spite of these changes, both churches have firmly clung to the ancient faith. They professed all along to be one in

1 A number of Monophysite Armenians were joined again to the Roman See about the middle of the 16th century.

2 The Catholics of the Russian provinces conquered by Poland re-united with Rome in 1595.

3 See Brück's, *Church History*, § 227, p. 824, "Persecutions of the Catholic Church in Poland;" and "L' Histoire de la Russie," Rembaud, Vol. II.

4 See "Kritische Geschichte der Neugriechischen Kirche," Schmitt, 2d Ed. book 1 § 8.

faith with the Roman Catholic Church. Indeed they cling to many of their heir-looms brought over from Rome with a singular tenacity. All attempts that have been made by the Protestants at various times to gain recognition or make fellowship with the Schismatics have proved futile. Many tempting offers have been made to them. They were requested simply to consider and adopt. The union it was urged, would be firm, strong and profitable, both practically and religiously. But Jeremiah, the patriarch of the Greek Church repudiated the "Confessio Augustana" which the Lutherans had sent to him in 1592. In his letter these words occur: "We say, that the Fathers handed down to us, that the church is *one*, holy, Catholic * * * That in that self-same Catholic and Orthodox Church there are *seven sacraments*, namely, baptism * * * and *matrimony*."[1] The Calvinists, though more wary, fared no better.[2]

The Anglicans made overtures to both churches as late as the Tractarian movement, with as little success.[3] This is certainly remarkable. It cannot be accounted for by mere obstinacy, nor does it arise entirely from an aversion common in the East for all things coming from the West. The Greek Church thus faithfully preserves the ancient apostolical tradition, though outwardly enslaved, and inwardly separated by many factions, the result of personal ambition and pride.[4] In points of discipline both the Greek and the Russian Churches differ from the Roman, although not very materially.[5] The vital difficulty with both is the dogma of papal supremacy, that is the supremacy of jurisdiction of the bishop of Rome and, as a necessary corollary, the infallibility of the Pope. The procession of the Holy Ghost from the Son was, indeed, at one time hotly opposed by the East. Some historians are of opinion, that this difference not only assisted in bringing on, but actually led to the separation. Yet this opinion is not borne out

1 This patriarch later admonished the Lutherans to quit their errors and not molest him in the future. In 1559 Melanchthon had sent a Greek translation of the "Confessio Augustana" with a commendatory letter to the patriarch of Constantinople, Joasaph. But the patriarch did not even reply. See Brück's "Church History," § 205.

2 See "Geschichte des Protestantismus in der Orientalischen Kirche im 17ten Jahrh." By Dr. Aloys Pichter, p. 2.

3 See Rev. William Palmer's "Harmony of Anglican Doctrine with that of the East." His "Travels in Russia," the "Patriarch and the Tsar" which he published after his conversion to the Roman Catholic Church.

4 See "Kritische Geschichte der Neugriechisch. Kirche und der Russisch. Kirche," Schmit, 2 ed., Book III, section 4, § 27.

5 For juridical and liturgical canons obtaining in the Greek and Græco-Russian Churches, see Dr. Silbernagel's "Verfassung und gegenwärtiger Bestand sämtlicher Kirchen des Orients," Chapters I, II and III.

by any objection made in that direction by the Latins against a union with the Greeks. If that heretical view had been still held at the Ferrara-Florence Council no union could have been effected then.

But the question which has been a sore puzzle to many, is how the Schismatics can admit of divorce "a vinculo" in marriage, which, like ourselves, they hold to be a sacrament; for precisely because it is a sacrament Christian marriage is pronounced to be insoluble, in both the Greek and Latin Churches. Yet practically it is not so with the Schismatic Greeks, whatever they pretend to hold doctrinally. Pope Eugene IV, demanded abolition of the custom o divorce. The answer, as well as the explanation given by the Archbishop Dorotheus of Mytelene, on the same subject, to a number of Bishops of the Latin Church was unsatisfactory and rather evasive.[1]

At the Council of Trent, a canon was formulated clearly setting forth the insolubility of marriage in the Christian Church, without, however, bringing the Greeks under immediate sentence. This may appear odd. Yet it was precisely in order to spare the Greeks or to offer them the chance of an approach to the Mother Church. The essential condition for such an offer to bring about unanimity of faith, was not wanting.[2]

To Protestants, indeed, such an approach could not have been made. They would disown at once what is here supposed as a fundamental doctrine common to the Greek and Latin Churches. Marriage is no sacrament with Protestants.[3]

In fact they charge the Roman Catholic teaching as contrary to the Gospel in this particular.[4]

The Schismatics have always admitted and without hesitation, that matrimony is a sacrament, and that therefore it is severed only by death. This has been repeatedly avowed by them at several Councils. But it appears certainly inconsistant to proclaim that according to their faith marriage is a sacrament, and nevertheless to allow divorce "a vinculo." We are constrained to ask, what

1 See Hefele, "Concilien—Gesch." Vol. 7, book 48, § 818.

2 See Palmieri, "De Matrimonio Christiano" Thes. XXVII.—Hurter Comp. Vol. III, Thes. 259,

3 "Matrimony is not to be counted a sacrament." Art. XXV, Digest of the canons of the Protestant Episcopal Church

See Bishop Potter's article in *North American Review*, November 1889.

"Matrimony, like eating and drinking, is a mundane affair," says Luther in Table-Talk, Plochman edit. vol. 61, p. 235, and in another of his writings he adds, "marriage is a mundane affair, subject to civil authority, which is proven by as many imperial laws as have been made regarding it." Ehesachen, vol. 23, p. 93, edit. of 1530.

4 See Bellarmin, De Matrimonio. lib. I, ch. XVII; Mohler, Symbolik, § 29.

can those "solid grounds" be which admits a practice contrary to their profession of faith?

In the history of the Council of Trent, by Pallavicino, we are informed that a canon was drawn up, as follows: "Whoever maintains that consummated marriage can be dissolved by reason of adultery let him be anathema."[1] The envoys from the Republic of Venice took offence at this canon. Among their constituents were many Greeks or those who observed the Greek rite.[2] It would, they asserted, give occasion of no slight scandal in the Oriental Church. Although the Greek Church dissents in some respects from the Roman Catholic Church, still their differences were not such as to forbid the hope of good result if a lenient policy were adopted. An anathema would certainly cause angry feeling, and probably lead to an irreparable breach between the churches. Besides, they argued, that the Greeks have always allowed dismissal of an adulterous wife, permitting new espousals *in accordance with a very ancient custom of the Fathers.* This practice had never been condemned by any General Council. They proposed, therefore, that a milder course be taken, and with this view presented a canon of their own forming which they begged the Fathers to consider, and, if feasible, to adopt. "At least, it is hoped," said they, "that the wishes of the Republic will be taken into account by the most prudent judgment of the Fathers assembled." However, there was a vast difference of opinion among the Fathers regarding the best form to be adopted. The members of the committee appointed to consider this matter were no less at odds. The substitute offered by the Venetian envoys called forth much criticism and the Papal legates cancelled the introductory clause because it seemed to hint at a neglect on the part of Rome to invite the Greeks as it had invited other nations. The Bishop Cuesta of Leon next objected to the form of the opening words: "Whoever says that the Church has erred, etc." The Church cannot be supposed by any Catholic to err. "Then," he added, "indissolubility of marriage is a truth long since confirmed in the Council of Mileve,[3] in the sixth General

1 See "Istoria del Concilio di Trento," Sforza Pallavicino, part 3, lib. xxii, num 17—Editio Neapoli, 1759.

2 The Melchitarites, named after the Abbot Melchitar, who was born in Sebaste, in Armenia, 1676, are classed with the United Armenians. As a religious order they follow principally the rule of St. Benedict. Their monastery, formerly on the island of Morea, was destroyed by the Turks in 1715. They settled shortly after on San Lazzaro, near Venice, where the Abbot Melchitar died in 1749.

3 This memorable Synod was held by the African Bishops at Mileve to condemn Pelagius and Celestius. It was approved by Innocent I. in 416. The sixth General Council is the third of Constantinople in 680. The Council of Basel-Ferrara was transferred to Florence by Eugene IV. in 1439 owing to a plague at the former place.

Council, and in the Council of Florence." To corroborate his statement he quoted most appositely from the very same writings of the Fathers[1] which had been adduced to extenuate the fault of this irregular practice of divorce. The address made on this occasion by the Bishop of Leon would have turned the scales against the envoys if it had been made earlier.

Such was the general impression, according to Pallavicino. But as it happened the majority commended a more considerate formula. The following canon was consequently drafted, and adopted. "If any one holds, that the Church errs inasmuch as she taught and teaches in accordance with the Gospel and Apostolic doctrine that the adultery of either husband or wife be not a reason sufficient to dissolve matrimony "a vinculo" ; and that either of the two, though it be even the innocent party who has given no occasion for adultery, cannot contract a new marriage during the lifetime of the other ; and that he who, having dismissed his adulterous wife, marries another, commits adultery and that she who is dismissed of her adulterous husband and marries another also commits adultery ; let him be anathema."[2] Thus the Fathers of the Council of Trent offered a conciliatory approach towards the schismatical churches. Whether it was a happy coincidence that the Bishop of Leon spoke at the end of the deliberation, is difficult to say. Certain it is, that the doctrine of indissolubility of christian marriage is here clearly defined and distinctly expressed. No sacrifice of truth was made in order to gain favor. The canon first drawn up was, indeed, brief and concise. It left no escape from its anathema. But since the Greeks openly affirmed their belief in the doctrine, which the canon defended they fell not under the anathema.[3] How far their tolerated practice brings them under the ban of this condemnation is difficult to state. In the Latin Church such custom cannot obtain. The Fathers of the Council have never in the slightest way sanctioned it. It could readily be supposed that the Greeks would be open to dissuasion, if they were re-united to the church of Rome. In the present canon then the

1 St. Clement of Alexandria and St. Basil.

2 Si quis dixerit, Ecclesiam errare, quum docuit et docet juxta evangelicam et apostolicam doctrinam propter adulterium alterius conjugum matrimonii vinculum non posse dissolvi et utrumque vel etiam innocentem, qui causam adulterii non dedit, non posse altero conjuge vivente aliud matrimonium contrahere ; moecharique eum, qui dimissa adultera aliam duxerit, et eam, quae dimisso adultero alii nupserit, A. S." Conc. Trid. sess. XXIV, C, 7.

3 See Palmieri, Matrim. Christ. th" XVII. Hurter, " Medulla Thes. CLXX, Oswald Heilige Sacramente—" Unaflosbarkeit der Ehe," p. 411.

explicitly defined dogma is that Christian marriage is indissoluble, as taught by the church, who infallibly interprets the Gospel and and Apostolic doctrine. To this doctrine effect is given by the admitted practice in the discipline of the Church.

In Russia, in Greece, and in parts of Turkey the ancient faith has been substantially retained. Handicapped, however, tyrannized over by a despotic rule in Russia, oppressed at once and protected by Moslem power in Turkey, it has held its own by that tenacity which is characteristic of the oriental Greek. Nevertheless many destructive elements have been inoculated during the course of centuries. The continual intercourse with strangers of an opposing religion, the obligation of civil observances, open violence, and secret political manipulations have made serious impressions upon the Catholic population. The eye of a mother was not allowed to keep watch, or to sound a warning alarm. Final dissolution will undoubtedly be brought on in course of time, and the Schismatical Churches will hardly survive a change of present dynasties unless fresh vital force is infused from the only life-giving source of all faith on earth.

But let us take a closer view of the grounds upon which the Greek Schismatics have countenanced divorce "a vinculo." No doubt they felt a sense of guilt, as appears in the answer given to Pope Eugene, and in the explanation offered by the Venetian envoys. There must not have been a solid certainty then about those alleged grounds, which seem to have centered in "an ancient custom deriving from the Fathers," and in the further fact that "no condemnation was ever issued against the practice by any general Council." How correctly these reasons indicate the source of the present practice will be better understood in the light of the following observations. Origen, who died in 254, in his commentary on St. Matthew, has this remark: "Some church-elders have permitted, *contrary to Holy-Writ*, that women remarry during the life-time of their husbands." He desires that to be criticized mildly, as it came to pass to avoid worse[1] (*συγχρίσει χειρόνων*)." St. Basil, who died in 379, expressly states that the evil custom came into vogue, *although Christ forbade it.* According to this custom, he goes on to explain, the husband can repudiate his unfaithful wife, but the wife cannot in turn leave her unfaithful husband. Should she nevertheless separate from him, and the husband thereupon take another wife, he should hesitate to say whether that be adultery, since the wife, who ought to have remained, is the cause thereof.[2] St. John Chrysostom seems

1 Origen in St. Matth., Tom. 14 num. 23.

2 St. Basil's 1a Epistola Canonica ad Amphilochium. num. 188.

to intimate in some passages that adultery dissolves matrimony. St. Epiphanius, in his *παναρω* insinuates as much.

The above-mentioned Greek Fathers were quoted at the Council. Yet it must be noticed that they do not at all approve of the custom. They themselves say that it is contrary to Holy Writ and forbidden by Christ. It is a transgression in their view, an abuse which has never had the sanction of law. In some parts of their writings these Fathers are pronounced against the legality of the practice. In the passages quoted by the Schismatics we can see nothing more than a palliation of sin, for although the doctrine of the indissolubility of Christian marriage was understood, yet in legal codes, especially of a civil character, much was left undefined; much was tolerated with a view of gradual change.

In the first centuries of Christianity when Pagan customs and Jewish ideas could not at once be expelled we find that extreme views on marriage were held here and there among Christians. After the death of one party the second marriage of the other party, for instance, was considered by some to be likewise adultery although not of a gross character ("*εὐπρεπὴς μοιχεία*"). Clement of Alexandria, who borrowed this rather extreme view from Athanagoras,[1] defined marriage in this wise:

"Marriage is *the first* uniting of man and wife according to law, to the end that legitimate children be begotten"—*Γάμος μὲν ἐστι σύναδος ἀνδρὸς καὶ γυναικὸς ἡ πρώτη κατὰ νόμον ἐπὶ γνησίων τεκνων σπορᾶ.*"[2]

According to this definition, a marriage following upon the first union, even after death severed it, was unlawful. This rigid limitation of Christian marriage was possibly due to primitive fervor. The apologists of the first centuries defended the unity and sanctity of the marriage bond against profligate pagans[3] and degenerate Jews. In opposition to the shocking accusations and biting calumnies made by the heathens, Jews, Gnostics and heretics, they held out the ideal of purity and virginity in the Christian Church, and some of them, in the heat of debate may have gone too far. They expatiated less upon the indissolubility of Christian marriage which is rather a sequel of its unity and sanctity. Besides, this doctrine

1 Athanagoras belongs to the brave band of Apologists of the first age of the Church. He presented his "Legatio pro Christianis" to the Emperor Marc Aurel and to the Emperor's son Commodus about 177.

2 Clem. Alex. "Libri Hromat." in quibus maxime Grusticis refellit," says Fessler in his "Patrologia," vol. I., p. 224–25.

3 "At nos pudorem, non facie, sed mente præstamus. Unius matrimonii vinculo libenter inhæremus, cupiditatem procreandi aut unam aut nullam scimus." Minutius Felix in his "Octavus," c. 31. Felix lived about 166.

is sufficiently dwelt upon in the Sacred Writings of the New Law, so as to be readily understood, while its unity is rather supposed than expressly dealt with.[1] Thus the apologists demonstrated Christian marriage to be of a higher, nobler character than mere civil, pagan, or Jewish marriage. It was, in their view, a union of reasonable creatures, serving God by their free will, and subduing their passions. "It is becoming, therefore," wrote the martyr St. Ignatius, third bishop of Antioch, to St. Polycarp, "that those of both sexes who desire to marry unite according to the direction of their bishop, that thus their nuptials be according to God and not according to concupiscence."[2] But the formation of so restricted a monogamy gave rise to a false asceticism. Heretics, like the Montanists, Kataphrygians and others, explicitly condemned second marriage, to be null and void. Even Tertullian was captivated by this view. After the Church distinctly pronounced this to be wrong it was abandoned; although the third and fourth marriages were regarded as indecent and unbecoming to Christians, and, strangely enough, during the fourth and fifth centuries it happened that in those very districts of the Oriental Church[3] where this severe restriction of monogamy had originally prevailed, practice gradually went to the other extreme. Re-marriage was permitted after man and wife had been separated already during their life-time. Preference, as has been shown above, was shown to the husband. There is no need to mention here the Gnostic and Manichaean heresies. They absolutely denied all dignity and sacredness to the marriage bond.[4]

What has been said thus far is not to be understood as if a lenient view could be taken of divorce *a vinculo* under any circumstances. In the Latin Church rare cases of such divorces and re-marriage have occurred. The declaration of its absolute unlawfulness given by St. Ambrose,[5] St. Jerome,[6] St. Augustine,[7] and many Roman Pontiffs could not prevent its occurrence under certain circumstances.

1 See I Cor., c. vii, v. 1, ss.

2 St. Ignatius suffered martyrdom about 107. St. Polycarp was a disciple of St. John the Apostle. See "Epistola V a, ad Polycarpum."

3 Novatian and his adherents in Rome during the pontificate of Pope Cornelius appear to have been the sole opponents of second marriage in the Western Church.

4 "In novissimis temporibus discedunt quidam a fide . . . . in hypocrisi loquentium mendacium . . . . prohibentium nubere." I Tim., c. iv, 1, 2, 3.

5 St. Ambros in Lucam, libr. VIII, num. 5-6, et De Abram. lib. VII num. 59.

6 St. Hieron. Epist. 55 ad Amand, and his Epistola 77 ad Ocean.

7 St August. lib. De Bono Conjugali; De Nuptiis et concupiscentia; in his two books Ad Pollentium De Adulteriis Conjugiis.

In the sixth and seventh centuries some divorces *a vinculo* were granted by local and obscure synods particularly in Spain but not by supreme authority. In fact, these centuries mark a crisis in the ecclesiastical history on this subject both for the Eastern and Western Church. Political and social vicissitudes, change of dynasties, decline of old and rise of new empires, gradual abolition of pagan customs, made in turn trying demands on the Church. A new civilization had been effected by her influence and fostering care. New codes had to be enacted. The family, and its source, marriage, were certainly a most important factor.

But while the Church in the West clung to Peter and emerged safe, the Church in the East gradually lessened its hold in order to grasp at deceitful hopes thrown out by ambitious leaders. These leaders found that the existing custom of divorce—if indeed the occasional violation of an undefined law could create such a custom—much to their purpose. Rome always protested against such a violation but she was not always heeded amid the turbulent times. The perverse practice thus developed into a tolerated custom in the East. What by universal consent was erst considered contrary to Holy Writ decked itself in legal apparel and rose to the dignity of legitimate usage. "Marriage, that is its actual existence according to the Christian idea, is, humanly speaking, due to the Primacy of Peter in the West," says Oswald. This fact demonstrates how necessary united action was to preserve a most essential characteristic of Christian marriage. In the West, as well as in the East, the Church met with bitter opposition. Corrupt human nature everywhere and always the same, remnants of Pagan legislation, retained and lingering long in the civil codes, frustrated her attempts to enter the Christian law of marriage in the civil enactments. And this condition explains how such cases as divorce *a vinculo* could happen.[1] But she finally succeeded. Explicit condemnation from a General Council was hardly necessary. Universal consent of indissolubility, continual rebuke of divorce *a vinculo*, sense of guilt arising from its permission sufficed. There was no silence on her part, equivalent to consent in this matter, as the Bishop Cuesta of Leon clearly demonstrated to the Fathers of the Council of Trent. Whatever were the instances cited the fact of divorce *a vinculo* remains undoctrinal and illegal. Right by prescription is here excluded, and the appeal

1 "Aliae erant leges Cæsarum, aliae Christi; aliud Papianus, aliud Paulus noster praecepit," wrote St. Jerome in his 30th letter to Oceanus. In this letter St. Jerome explai the re-marriage of a certain divorced woman, named Fabiola.

to isolated cases only evinces an anxiety to justify divorce and remarriage.

Other abettors of the cause have pointed to imperial laws; or adduced the 87th canon of the Trullano Synod, the second[1] of that name, which was convened and held under the auspices of Justinian II. in 692. But what value can attach to imperial laws in regard to the sacraments. Furthermore, the canon referred to is most indefinite and obscure.

It is difficult to point to any one cause as the source of the practice in the Schismatic churches. Many concurrent circumstances seem to have favored it. It is not likely that a false interpretation of that hypothetical clause in St. Matthew's Gospel, "excepting the cause of fornication," Chap. V, v. 32; and "except it be for fornication," Chap. XIX, v. 9, had any influence upon the Greek discipline, because no such interpretation has ever been authorized in the Christian Church, even though the preference given in case of adultery to the husband might seem to point that way. The correct interpretation of the text and its clause could be learned from general acceptation. A false interpretation would, therefore, at once be stigmatized, and could certainly not have formed a basis for action so divergent from general rule. It was also admitted by the Greeks that the sense in which the Fathers generally accepted the clause by no means set adultery apart as reason for divorce *a vinculo*. Matrimonial bonds they held to be indissoluble. There may be a difference, indeed, with them as to the radical reason, why Christian marriage[2] is indissoluble. Whatever the views of theologians are as to reason the doctrine itself remains unimpeached. Since the infallible declaration of Trent, there can be no room for misapprehending that clause, and we have only been speaking of the subject as it stood prior to that Council.

Theologians and canonists have been most assiduous in searching out every case of divorce *a vinculo* on record. They have given

1 Much ill-will was expressed against Rome in the decrees of this Synod. The Byzantine Court exercised a baneful influence in both Synods, and widened the breach between Rome and Constantinople. Political changes in Italy at the time excited the ambitious Emperor of the East. The Trullano Synod is numbered among the ecumenical Councils by the Greeks, but Rome has never acknowledged it as such. See Hefele, "Concilien-Geschichte," vol. iii. p. 298.

2 See Sanchez, De Matrim. Christ. lib. II, d. 13; Bellarmin, De Matrim. c. IV.—"Et quidem certum est quod quatenus extrinsice quoque indissolubile est, ratio ultima est, quia Deus ita voluit" says Palmieri, De Matrim. Christ. thes: XVII et. XXIV.—St. Thos. distinguishing between "finem primarium et fines secundarios" leaves it to the reader to conclude the ratio from either, though he himself inclines to the first. See Suppl. 2. LXV, art. 1, ad 4 um et ad 8 um. Duns Scotus adds that the virtues of obedience and filial piety, and the welfare of society are preserved and fostered by indissolubility of marriage. See Scotus, Reportt. 4, 28, 1.

much attention to the explanation of dubious passages in the writings of the Fathers. Decisions of local synods bearing upon this subject have been minutely scrutinized. The effect of it all has been to strengthen the persuasion of universal concurrence as to the indissolubility of christian marriage from the beginning of Christianity.

Had the Schismatical churches remained in union with the See of Peter the blot upon their robe of faith would have long since been erased. The seamless garment of Christ should never have been rent. The sacredness and sanctity of marriage would be in fairest contrast with the usages of Turkish harems and domestic slavery in Russia. The woman and mother could appear upon the public thoroughfares unveiled, an ornament of society as of the family "nor uninformed of nuptial sanctity and marriage rites," and be man's companion, not his slave.

"And they shall be one flesh, one heart, one soul."

JOS. SELINGER.

THE COUNTRY PRIEST'S WEEK.*

(Monday.)

The early Mass is said, the sunlight glows
With tinge of red; the pastor homeward goes,
To pause a moment, just to say a word
To that old woman, whose sharp tongue,—he's heard,—
Has made much havoc all the previous week,—
"You ask forgiveness, yet you evil speak;"
He says, with sternness, "at each morn you rise,
In spite of wind and weather,—turn your eyes
In fervent ecstacy; you beat your breast,
And have not love;—of what avail's the rest?"

Abashed, the ancient dame, in shawl of black
And veiled bonnet, sighs at this attack,
And hastens off, with bobbing courtesy short,
To face the parish with an altered port;
And he goes onward through the tender green,
Following a furrow in the changing sheen
Of winter wheat; the rain has passed away,
The new world glitters in a radiant day,
"Which God has given us!" he, reverent, says.
"How glad and glorious, O my God, thy ways!"

'Tis Monday, and his sermon's in the past,
And in the future,—freedom can but last
A day at most; no name is on the slate,—
There's an account, but those small bills can wait;
He scans the slate again; no letters mark
Its ebon surface;—there is Susan Barke;—
He ought to see her, she's been ill, they say,
'Tis but a mile; he'll take it on his way
To "Jack" Maginn's,—forgive the "Jack" you can,
A priest's a priest, and yet a priest's a man:

For "Jack Maginn," now "Father," if you please,—
Lives just four miles away, where willow trees
Bend o'er a garden, bound by mignonette,
And with a duck pond in an arbor set:
Here rose and cabbage in the summer time
Elbow each other; in another clime
Parochus learned to garden, by the sea,
(There's shamrock under glass, kept carefully!)
In far-off Ireland,—(of his heart the pulse!)—
The only thing he can't grow here is *dulse*.

*[The first part of this interesting poem appeared in the January number of this year. It will be continued.—EDIT.]

There was a time when "Jack" was young and gay,—
A player on the cornet,—so they say,—
He plays no more, at which his friends rejoice,—
A seminarian with a tenor voice
Who sang "The Minstrel Boy" and "Tara's Harp;"
But now his voice is just a trifle sharp
In upper notes;—one wouldn't care for that,
If in the lower it were not so flat;
A man, like grave St. Paul, he holds no thing
Of boyish days,—except that he will sing.

The "Jack Maginn" of '60 is no more:
The cares of office, and the burdens sore
Of all the burdens of his little flock
Have changed him greatly,—yet there is a lock
That holds a secret portal, and the key
Is kept by him who journeys cheerily
Across the fields; behind this portal, bright
Are memories, and jokes, that saw the light
When Russell ruled at Maynooth,—of the young
And gifted cantors he had oft outsung!

The horse is stabled, and the old friends meet.
'Tis Monday,—you would know it as they greet;
"The ducks are in the stove, you'll stay and dine."
"Who talks of dining; it is not yet nine."
The arm-chair's out, the grate is made to glow,
And wreathes of fragrant smoke soft upward blow;
Now joke meets joke:—away, dull care, away!
For this is Monday, and a little play
Is good for men that think; the Office said
As far as possible; no work ahead.

Cigars and pews, the Bishop's health,—who spoke
At certain funerals,—(all this in smoke,)—
The sermon of last Easter,—Hogan's boy,
("Gone to the bad,") and Jimmy Quinlan's joy
Over the rise in hay,—of course, the school;
And both agree the editor's a fool
Who, in his leader, took the other side
In Irish politics,—the man that lied
In last week's *Tribune* on old Froude's new book;—
And, for the season, how well all things look;

"Delaney and his tricks!" he died at sea,
Of yellow fever, caught in steerage,—he
Spent all the voyage among the sickened crowd
In the foul steerage; he was never cowed.
"Ordained a month!" And may he rest in peace!

A knock is heard; and now the talk must cease;
The ducks are ready, and a cook will wait
No more than time or tide, if men be late.
"The ducks are roasted." What!—already noon!
For once, at least, the diners dine too soon.

Nor is the day without its argument,
A wordy war,—the smoky air is rent
With *pros* and *cons* upon the Moral Law,—
"Père Gury says"—"In printing there's a flaw;"
"Yes!" "No!" "De Lugo!" "St. Alphonsus!" "Good,
Yet there's a gloss."— "No casuist ever could—"
"What nonsense!" "On the *Index*!" "In *Le Pape*
De Maistre says—" "Come, come, I'll take my nap,
If you mix history and 'Moral' so!"
And then our pastor thinks it's time to go.

But not till twilight, where the wheat is sowed,
Turns green to gray, does he take to the road,
Refreshed and strengthened for the coming week,
When life and death shall meet, and he shall speak
Most august words; now at his horse's head,
He quick remembers what he might have said.
"De Lugo settled *that!*" These words he hears
Hurled from the darkness, as the gate he nears;
He pauses, tempted; then into the gloom
Rides laughing at the tempest in the room.

MAURICE FRANCIS EGAN.

COMPULSORY EDUCATION.

"EX TERMINIS male intellectis oritur haeresis." If Catholic writers always kept in view this axiom, common among theological students, they would sooner arrive at a mutual understanding in this matter of compulsory education. The terms, as well as the state of the question, ought to be clearly defined before beginning a discussion in which all depends on the exact definitions of of the words state, education, compulsion, direct and indirect right, public welfare, private interests, etc. Indeed, it would require a whole treatise on Politics to show the practical consequences of divers definitions. Our paper will supply a few illustrations.

The term "State" is more properly used to indicate an organized society or multitude united into a body politic under a supreme ruling authority. As in the present question it will make but little difference, we shall sometimes apply the term directly to this authority, or what we call the Government. In this we follow the general custom, although a strictly scientific method could not allow a similar use of terms without exposing the author to the danger of most serious blunders. State and Government are not identical, though they are inseparable ; their respective operations are not of the same nature ; nor are their proximate ends entirely the same, though they will often meet.

In regard to "Education" writers seem to drift quite generally into the habit of using the term indiscriminately for the moral as well as the mere intellectual training. The clear and well defined distinction between education and mere instruction seems gradually to disappear and the reader is left to find out for himself whether education means education properly so called (in German *Erziehung*) or only instruction (*Unterricht*), or both.[1] In the present paper when speaking of education we generally understand the moral training, the forming of character, the imparting of moral truth, not as a mere scientific speculation (Philosophy of Ethics), but in order to shape man's heart and life. Our views in regard to

1 As the terms *education* and *instruction* bear not only a wider but also a stricter meaning, we must, when the latter is the case, distinguish in the use of the two terms. If instruction is nothing else but the imparting of knowledge, then all education is instruction, but if we invert the proposition it is not equally true. Education, strictly speaking, is instruction of a special kind, and more than a mere communication of truth ; it is rather a communication of morals. Would we call an illiterate Saint, say a devout lay-brother, a well *educated* man ? If the term be used in a loose sense (as is generally done in ordinary conversation), no ; but if used in the strict sense, yes ; for he has learned the Science of the Saints by the pious training and instruction obtained in his monastery.

State Education have been clearly stated in the last number of the REVIEW. But it may be well in this connection to add a few remarks to illustrate what has been said above concerning the difference between State and Government. Man is to be educated in and by society, as to him society is the necessary means for attaining his full natural development in regard both to soul and body; it is society that gives man not only food and clothing, but also intellectual and moral knowledge. But it is not the Government. Is it not also society, organized society, call it the State or the political body of which man is a part, that must help him to Heaven? Did not the Creator ordain that man should attain his last end in and through society, and for that reason create him essentially a *social* being? Is not society itself God's work and the natural means in His Almighty Hand to bring man back to Himself after this earthly life? Yet who ever maintained that all this rests with the Government? Writers too often forget to distinguish between the necessary, natural and spontaneous working and influence of society upon man, and its free or political action. One is the work of the natural laws governing mankind at large, the other is the effect of positive laws shaping the politics of a State. While we may, therefore, truly say (speaking only of the natural order, abstracting from any further or positive provision made by God) that it is organized and well regulated society which must provide man with everything necessary to attain his end, consequently with spiritual as well as corporal means, we are free to deny that all this must be done by its political action and pertains to the direct and immediate competency of the Government. The State is greater than the Government. Nor does the Government give to the State its whole organism. It defines the political organization, yes; but there is also the civil organization of society, whether produced by necessary natural action, as the family, or by necessary social action, as that of towns, cities and provinces, or by the free agreement of individuals, like that of unions, guilds and estates or classes. The less a Government interferes with this manifold organism of society, and the more it leaves to the natural action or social evolution, the better it is for the State. In fact, a Government has but one end, namely, to secure and further the natural working of society. This leads to another important observation to better understand the real nature of political action.

Social life must necessarily partake of many qualities of the individual life. This is true, especially in regard to liberty. For what

is social life if not the combined and harmonious action of all the citizens. Now, as the highest privilege of man consists in working out his end by the exercise of his own free will, so it must be the highest ambition of a body politic to secure its end by the free and spontaneous co-operation of all. True social life needs freedom as much as any private life. That government is the most perfect which interferes least with the freedom of its subjects, while it offers to their voluntary action ample and opportune means of happiness. Hence, *ceteris paribus*, the fewer the laws restricting the natural liberty (not the mere physical, but the moral liberty) of the citizens the happier the people. Freedom is the characteristic mark of the citizen. The millions of Roman slaves were denied the honorary title of *civis*, because they were not free; and a Roman made prisoner in war lost his *caput*, his civil and political rights, till he should have regained his freedom. With that liberty of its subjects the State must not interfere by its political action, except when and as far as they would obstruct the natural social action, by disturbing the public order and violating the rights of other men. We repeat again what we said in our first article: "It is of primary importance to remember the general principle of sound political economy,[1] that the State or Government has no right to limit the natural liberty of its subjects, except in case of a real, social necessity. Mere utility is not a sufficient cause to use force or compulsion."

Compulsory education! What compulsion is here meant? In what is man's liberty to be curtailed by the Government? We limit the question to secular teaching, moreover to mere elementary instruction.

In the light of history, past and present, we may easily distinguish three stages of compulsory education. The first, the least and lowest one, consists in the supposed right of the State to compel parents to give to their children a *minimum* of secular instruction (*Lehrzwang*). The ways and means by which this result is to be obtained are left to the free choice and arrangement of the parent, although public authority will control the whole instruction, determining in what that *minimum* consists, examining the teachers to see if they are competent to teach that *minimum*, inquiring in the schools or at home whether such *minimum* be really taught. There is some liberty left to the parent, only he is no longer free to bring up his child in ignorance of that *minimum*.

The second stage is compulsory school education (*Schulzwang*).

[1] We mean political sociology.

The child may not receive that *minimum*, that most elementary instruction, at home or under a private tutor ; it must go to school, public or private. These schools, whether supported by public moneys or by voluntary contributions, are under full control of the Government. The principle implied is evidently that every child must receive its elementary knowledge under immediate State supervision ; it cannot be left to the family.

Finally, the third and highest degree of compulsory education is the compulsory State school (*Schulmonopol*). All children must frequent the public or State school ; private schools are not to be tolerated, nor is home instruction recognized. No other primary or elementary schools are allowed than those of the State, which in this matter claims an exclusive right and the monopoly of instruction, denying to its citizens the "freedom of education."

To a mind trained in logical thought, acquainted with the nature of man and versed in the history of the human race, the intrinsic falsity and the disastrous consequences of the last two theories are evident. They are dreams of blind Statolatry and Socialism, both tyrants destroying individual liberty, although both extremes strangely met. But compulsory education in its first or milder form presents an attractive side to not a few men learned in science, loyal to their religion and anxious for the good of their fellow men. Indeed, what more desirable at all times, but especially in this XIXth century, than that all children should get such elementary knowledge as they will need to make their way in life and become useful members of society? How can morality and religion form the rising generation if the mind of the children is not supplied with a minimum of ordinary knowledge? How will coming generations further spread the light of culture and civilization if they themselves be brought up in mental darkness? Does it not belong to the mission of the State, is it not within its native power to see to all this? Besides, why should a parent demur at being compelled to do what is best for his child, rather than be allowed the useless, nay injurious liberty of bringing the child up in ignorance? Moreover, does not the natural law impose on every parent the grave duty of providing not only for the bodily but also for the mental or spiritual needs of his offspring ; and may not the State enforce the exercise of that duty? Where is there in this an unjust interference with the parent's liberty? The more, as the arm of public authority strikes only a handful of lazy parents, while the great majority have their children educated of their own free will and under great sacrifices,

without any compulsion at all? Further, the actual state of society, the public good, imperatively demands that education be general and universal; all must be instructed. But who will dare to deny that it is the direct and immediate right of the State to promote the public welfare? You must then allow it the right of compulsory education as explained. Finally, man may freely give up the use of his liberty in this or another matter. Suppose, then, in a democratic country like our own where the majority rules, a majority of voters insist that there shall be compulsory education, how can the minority deny that right of the Government?

Did we state the case of our opponents fully and strongly enough? Some reader may think *et ultra;* what are you going to answer?

Before giving a general answer it may be better to clear away in advance the special difficulty involved in the last argument. The authority, the rule or law, the government in a democratic State is not the collective will or power of the individuals who form the majority. Otherwise we should have the State à la Rousseau. Sound philosophy tells us that the public authority and power, whether represented by a democratic majority or by an absolute monarchy or by a constitutional government, is in itself and by nature always and everywhere the same. True, the distribution and exercise of that public power may differ in various countries; it is precisely this polity or form of government that makes the monarchy differ from the republic; but the public authority itself is the same in both. It is nothing else than the sovereign social power which, by the law of nature, is demanded in society for the attainment of its end. The nature and extent of that power are defined by its proximate end, the public welfare. *Salus populi suprema lex.* Beyond these limits it cannot reach. Hence, the majority in a republic may not legislate as they please, nor make any rule as they like, if we are not to adopt the axiom that might is right. A majority, no matter how strong, has no more power over the citizens of the country than the public or common good demands. If, individually, they are willing to give up some rights of their own and to deprive themselves in part of their natural liberty, they may do so *as far as they alone are concerned*, but they cannot take those rights from their fellow-citizens, apparently their subjects, except the public welfare render such a measure necessary. Nor is this enough; the matter also must of its nature lie within the jurisdiction of civil authority; else they are incompetent to legislate about it. This brings us to the

general answer to be given to the arguments brought against us. We say a *general* answer ; it would require a whole pamphlet to take up the charges in detail, though we may find occasion to enter upon a few in the course of our paper.

Our opponents, we think, very often call *necessary* what is only *useful* in regard to the end and purpose of society. Necessary is only that, without which the primary and essential end of society cannot be obtained, *i. e.*, the maintenance of order and peace, the security of every one's right. That high degree of usefulness, which amounts to a *moral* though not absolute necessity, seems to imply a kind of conflict of rights, where the rights and claims of the majority on the one hand have become so strong and manifest, that the few individuals on the other hand can no longer maintain their original rights without injustice towards the community, or without endangering the public order. It is, therefore, no longer mere utility but real necessity, although of a lower degree. Whatever helps, *over* and *beyond this*, to further temporal prosperity, belongs to the secondary and accidental right of the State ; it is useful, most useful perhaps, but it is not necessary. Yet compulsion supposes necessity. Again some confound what we may be allowed to call *compulsive* legislation with *voluntary* legislation, we mean the promotion of the common good by compulsion or by free co-operation. Again others seem not to pay attention enough to the *intrinsic nature* of the subject in question, taking it apparently for granted that whatever concerns man falls within the competency of the State; hence the State may enforce the exercise of every duty or virtue, not merely those of commutative and legal justice, which are the only *judicial* duties of man. Some again do not distinguish clearly enough, at least, to our mind, between direct and indirect right or power, and do not hesitate to affirm that the State has an immediate direct right, even of compulsion, to whatever promotes the public good. Others again seem to forget that the State is an organism, not a mechanism, and that free scope must be given to the action proper of each organ ; hence they allow the State direct interference with the independent working of the family. And this, to rest here, is one of the most important factors in the solution of the question of compulsory education.

We have referred to the mutual relation between State and family in our last number. But a few words from a famous philosopher may find a place here. P. Liberatore, S. J., in his work on Ethics

and Natural Law, speaking of the domestic society, explains in art. V. the duties of parents towards their children, especially that of education. Of this he says: "id inconcussum censendum est: ejusmodi jus parentibus et patri potissimum natura sua competere, nec posse a societate usurpari, quin patriam potestatem violet et familiæ conceptum debilitet. Debet utique societas efficere ut publica media non desint, quibus parentes ad rite educandos et edocendos natos uti possint. Debet etiam modis consentaneis, sed non violentis, curare ut parentes tantum officium minime negligant. At in rem hanc se directe immiscere eamque potestatem sibi vindicare nequaquam potest sine evidenti læsione juris paterni, cum parentum omnino sit educationi et disciplinæ filiorum prospicere, eorumque non modo corpus alere, sed animam etiam effingere et conformare. Nec dicas, filios membra esse societatis, quæ ipsis invigilare debet. Nam membra societatis sunt non seorsum per se, sed vi familiarum, ex quibus proxime civilis societas constat, et quarum naturale regimen offendi nequit, quin ordo rationis pervertatur et ipsa civilis societas pessum abeat." And in a note he adds: "Quamdiu homo sub potestate patria vivit, societati conjungitur vi familiæ cujus est pars; societas vero ipsi tutelam impartitur, quatenus in familiam influit, etc." The family is a natural institution, a creation of God, independent of and prior to the State; Although part of the State and inseparably bound up with it and in this sense dependent on it in many ways, yet the family differs from the state in its origin, its constituent elements, its proper end, its essential form and its peculiar operation. All these belong to it independently from the State. The family is a perfect creation and a well defined organized society outside of any state. Being as much the immediate work of nature as the State itself, nay much more so (for the State arises after and from the family,) it is in regard to the State and individual, a moral person possessing native, inherent rights of its own as truly as any private citizen. In its internal private affairs it must be allowed the same liberty and independence as any individual citizen; the State may not intrude upon this privacy without urgent cause. Now, the raising up of children, the care of their corporal and spiritual development is of its very nature an internal, private affair, belonging exclusively and *per se* independently to the peculiar work of the family; not to the State. Public authority, therefore, has no direct, immediate right over the child; it cannot control the inner operation of the family and prescribe the programme according to which the mother is to nurse the child, or the father feed and clothe it, or

both to educate and instruct it. But if the State has no direct and immediate right over these matters, it cannot generally legislate on them. For *general* legislation supposes a direct and immediate jurisdiction over the object and the subject of the law. Our main reason, then, for denying that the State may introduce compulsory education by a general law, as a general preventive measure, lies in the peculiar relation between family and State.

But may we not find another reason in the subject itself—education? Is it not of such a nature as to be *per se* outside the sphere of political action, because outside of the competency of civil authority? There is no question here of education in the proper strict sense. For with the best will we are simply unable to understand how morality, which is essentially the work of free will, how the teaching of moral truths which must be freely believed to be of any use, how all this which is to shape directly the internal, moral life of man, can *per se* or directly belong to a power which is essentially and exclusively directed to regulate and control the outward, social life of man. What essential or direct connection is there between that object and this power? Whence does the State derive the power to *compel* a man or child to receive their morality according to an official programme or method, were it only a minimum? This is true of natural morality; it holds even more in regard to supernatural or Christian education. Those who would give the State the right to teach Christian children at least the general principles of natural morality, ought to remember that for the Christian *in concreto* there is no such division between natural and supernatural morality. Although in him not every single act need be supernatural and meritorious, still his habits, his principles, his motives, in a word, the morality of his life, must be supernatural. It is difficult to imagine how a Christian, raised by baptism to a supernatural order, could lead for any length of time a mere natural moral life without being in the state of sin. In him natural virtue alone ceases in a sense to be virtue; mere natural morality, independent and separated from religion, becomes immoral. In fact, in the life of a Christian the practice of morality and religion are one. Then, what right, *direct* right, has here the Government?

But what of instruction, secular instruction? May not the State claim this at least as an object within its immediate jurisdiction? We distinguish: as an object for the free co-operation of the citizens, yes, assuredly, but within the limits of distributive justice as in all other things; as an object of compulsive legislation, no, pos-

itively no! What right has society to force me to learn reading, if I do not want to? or writing, if I can get along without it? or numbering, if I will know enough of it by the practical schooling of hard life? or geography, if I can make my way through life without the maps? But you are an adult. What of it? The State compels the child to learn not as it, the child, wanted that knowledge, but because the future adult citizen needs it for the good of society. If the State may compel the child to learn on the ground of public utility or necessity, why not also compel the adult who has neglected social duty? And if Government cannot lawfully compel either adult or child to learn, why should it force the parent to teach? The State may threaten me: if you know not how to read or write or number, you shall not have all the privileges granted to other citizens. All right, that is my own concern. When the State gives me the means and opportunities to learn all these things, if so I will, it has done its duty, its right goes no farther.

But the child, we are told, has a strict right to get from his parents such elementary knowledge as will fit him for life.

We shall not dispute the strict right. Grant it and the corresponding duty of the parent, does this give the State a right of stepping in and forcing the parent to fulfil that duty? The child has a stronger right to be taught true morality; can the State force the parent to do that? The child has the very strongest right to be taught true religion; can the State force the parent to do this? In a word, are all these rights of the child objects of either commutative or legal or distributive *justice* to which in the parent corresponds what philosophers call *officia juridica?* If not, by what right does the Government interfere while its compulsory power is absolutely confined to safe-guarding and upholding the public *juridical order?* The State cannot, therefore, in this matter play the role of the public guardian of the rights of the child. It cannot force the parent to exercise the *officium pietatis*, which does not lie within the direct or immediate sphere of political government.

But the State has an indefeasible right to protect itself; an ignorant multitude becomes either a public nuisance and burden, or a great social danger. Hence the right of their future fellow-citizens demands as a matter of necessity, that all children should acquire such an amount of secular knowledge as will make them useful citizens. The theme, no doubt, is quite tempting for a lively imagination to paint in dark or flaming colors an army of idle and hungry beggars living on the fat of their industrious neighbors, or the hordes of

bloody anarchists and lawless mobs. We have ourselves heard stirring appeals for compulsory schools to teach the children of the poor, ignorant, unlettered foreigners coming to our shores. Compulsory education was held out as the only way to save the country from a terrible social catastrophe, etc. Such declamations leave us very cold, and when uttered by Catholics make us simply impatient. They are exaggerations based on false suppositions like these :

A.—That a man cannot be honest and industrious without having passed through a primary school ; that it is secular instruction, the knowledge of letters and figures and geography, that makes the good citizen, and not religion, or the love of God and one's neighbor ; that the real agents and prime movers in social disturbance are the simple unlearned people, and not wicked men with a certain amount of knowledge but without religion. Declamations like the above suppose moreover that without the three R's, a man cannot receive a sufficient amount of religious instruction to make him a good and faithful servant of God. What then becomes of some of the most glorious days of Catholicity, when millions were unable to read and write ? What becomes of our own times when statisticians tell us in cold figures that the more our so-called intellectual culture advances the more systematic vice and suicide increase ? Such harlequins ought to remember the history of Greece and Rome, of Alexandria and Cæsarea, intellectual centres of ancient times. Their heathen culture did not save these nations from ignominious ruin, while European civilization began its triumphant march under the guiding and protecting arm of Christianity.

B.—Another assumption implied in the above objection is this : Although society may offer to the people all the needed opportunities, public and private, to get an elementary education, there will yet be so many parents neglecting those means, that their children must become a danger or burden to the State. This is absolutely false. The natural love of parents will impel them to provide as best they can for the future of their child, and if the condition of society demands a general education and the Government offers the necessary facilities, there will be few parents who will not send their children to school. History proves it. If there have been in France and England up to within recent times, millions of children who received no instruction at all, it was not the fault of their parents ; was the fault of the Government which spent the public money in wars or in raising and supporting an immense army or for any other purpose, except schools. As soon as the Government gave the

required facilities, parents began to send their children to school without compulsion. Proofs are easily found in Cardinal Manning's valuable little book on "National Education."

C.—In regard to the poor emigrants coming to our country it is an equally false assumption to think that the public opinion, the popular movement, the character of the business civil or public, the mode of life, and with all this the great and almost universal facilities to get instruction, are not strong enough to force "the foreigner"—if yet he have some love for his child—to send it to school, without being compelled by the police. Witness the thousands of our Parochial Schools, built by the Irish, German, French and even the poor Italian immigrants, notwithstanding the heavy burden of a double, unjust taxation. There may be, for all we know, a few nationalities with us who are as yet rather slow in getting Catholic Schools for their children. This is another question. Where Catholic schools are wanting, it is mostly because of the lack of money and means which under a general school tax the Government is in justice bound to furnish. But we have yet to learn that human nature is another in the foreigner than in the native, red or white. Believing that human nature is not totally depraved and in particular that parentat love for the offspring is still the normal rule in the family, we do not see how in any civilized country a general State compulsion can be necessary except under very abnormal social conditions.

Allied to the foregoing, but equally ambiguous, is an argument like the following: Our democratic form of Government demands well instructed citizens, if the American people shall continue to live in peace and happiness. We need intelligent voters. Certainly, and we are the very last to deny the assertion. Therefore, they continue, the Government must compel parents to send their children to school; it must see to it that all its future citizens shall get the *minimum* of secular knowledge required to exercise their political rights in a proper and intelligent manner. To be candid, in the light of the confusion and machinery of our elections and the manipulations of our returning boards, the foregoing looks rather satirical. Taking it in sober earnest, we answer: That all and every voting citizen must be intelligent and well instructed in secular knowledge is claimed either on the ground of mere utility or of necessity. If the first, we don't admit Utilitarianism. The second supposes an abnormal state of society, and we do not admit that such a condition exists now or will in the near future exist in our beloved land. We are convinced that in our present social condi-

tion, with our present facilities of popular education backed by public opinion, we shall have intelligent citizens enough to last for another glorious century—without Government or State compulsion. Besides, to look at the principle, if the Government needs intelligent voters, the logical conclusion is that it may deprive of their political rights all those who have not got the necessary qualifications. But it cannot, in a normal condition, compel them against their will to acquire the requisite secular and political knowledge. Otherwise you must also grant the State the power of compelling every citizen to vote and take part in the political life. Now, we think, no sound writer on politics has as yet vindicated for the State the right of compulsion in regard to the exercise of political rights, although they all give it the power to establish and fix the conditions under which citizens may exercise those rights, if they choose to do so.

It is hardly worth while to clear up the following argument for State compulsion, namely, that it is necessary to produce and foster a spirit of political unity and harmony, a true love for the country and uniform loyalty to its laws. The argument is an insult to all who deny State compulsion. Besides, it would logically lead to absolute compulsion which allows no other than State schools—State education for all. It is socialism and tyranny.

The plea most commonly put forth (so muchso that Cardinal Zigliara says of it: *quam ad nauseam usque adversarii recantant,*) in favor of compulsory education is to this effect: general education is most useful, nay truly necessary in the present condition of society; but all that promotes the public welfare is within the direct power of the State.

The plea is simple enough, but full of ambiguity. What kind of *general* education is necessary? An absolutely universal education, so that no child or family shall be without an elementary instruction? This is nonsense. States have been very prosperous and flourishing even when a large percentage of their people had received no schooling at all. It may be granted that under present conditions it is absolutely necessary that the large majority of the people should receive at least primary instruction. But this can and will be attained without compulsion, if the State sufficiently supports private enterprise and activity. Universal education of all classes would be very useful—N. B., *ceteris paribus*—and most desirable. But mere utility does not justify compulsion. Few political writers, except socialists, to whom the State is omnipotent and sole owner of origi-

nal rights, would allow the doctrine that the Government has the right and power to *compel* its citizens to whatever promotes the common welfare. This would simply bring us forward to the social conditions of Bellamy's "Looking Backward." It is an illogical process, and most disastrous in its assumed principle, to infer that because a general secular education is useful to society, the State may impose it on the people by a law of compulsory education. The greatest political writer of Ancient Greece, Aristotle, has established long ago the important principle of political science: *Non omnia quæ necessaria sunt civitati, partes sunt civitatis.* We most willingly admit, however, that the State has the right and authority to offer to the *voluntary* co-operation of the citizens all and everything that really and truly promotes the "common good," for such is her natural mission. But here is the great difficulty: What is the "common good?" It certainly is not the private good of each and every individual; and the State is not to work for the private interests of any one, be it individual or association. It must labor for the good of the whole society as such; for the public welfare and public interests. Now, to what extent and in what manner must that "common good" affect the different classes of the population, in order to be truly common, social, and not merely the boon of a party or section? Again, it must be remembered, that the real and true welfare of society does not consist in material welfare or opulency, in abundance of money or other temporal possessions, nor in a highly developed intellectual culture and refined taste. These may be ingredients of social prosperity and happiness, but they are not essential. True happiness of social and political life must embrace the same constituent elements as the happiness of the individual: it is in the connatural development of man's nature, physical, intellectual and moral. Still this evolution must be harmonious. When a people increases its national wealth, when it progresses in mental culture, it must advance in due proportion in public morality. Temporal prosperity and intellectual greatness, without morality and religion, are not true and real civilization. All Christian writers maintain that these virtues, morality and religion, are the very foundations upon which the edifice of national prosperity and happiness must rest.[1] In regard to public life, justice is the virtue most directly concerned. Hence, "*justitia fundamentum regnorum.*" Whatever is against justice in its different forms, whatever unjustly, *i. e.* unnecessarily limits the natural

1 Leo XIII, in his Encyclicals on the Social Questions of the day, *passim.*

rights and liberties of the citizens, whatever goes outside the legitimate end and purpose of society, does not and never can promote the common good. If by it some temporal advantage ensue, if the external condition of things seems to be improved, it is *per accidens* and only for a time; it cannot last. All such proceedings on the part of the Government must sooner or later be disastrous to society, because destructive of the very foundations on which organized society rests. Utilitarianism is a false theory, whether applied to morality or politics.

Another difficulty in our question would be this: Who is going to determine the amount of elementary instruction imposed by law? Shall that minimum be determined by public opinion, as we have been told? "Public opinion," in the modern sense, is not only an unsafe but a very dangerous master. Woe to the Government that would follow no other guide than public opinion. "Quod autem inquiunt ex arbitrio illam (the public authority) pendere multitudinis, primum opinione falluntur, deinde nimium levi ac flexibili fundamento statuunt principatum. His enim opinionibus quasi stimulis incitatæ populares cupiditates sese efferunt insolentius magnaque cum pernicie rei publicæ ad cæcus motus, ad opertas seditiones proclivi cursu et facile delabuntur." (Leo XIII, Encycl. "Diuturnum.") The criterion of useful laws is not public opinion, but truth and justice. "In genere rerum politico et civili, leges spectant commune bonum, neque voluntate judicioque fallaci multitudinis, sed veritate justitiaque diriguntur." (Idem, Encycl. "Immortale Dei.") We fully admit the value of public opinion, not in the modern sense, but in that of the sober old Canonists, when it represents the "pars major *ac sanior* populi." Is any legislative majority going to fix that minimum? Suppose our different State Legislatures were to do it, by what common standard measure would this assembly of many minds and thoughts determine what is absolutely necessary for all children to learn? What are the "educational scales" to show the line where necessity stops and where the right to compel ceases? The difficulty seems to lie not only in the mere exercise, but in the principle itself.

We have seen it stated somewhere that "what the Church may do within the spiritual sphere and in view of the spiritual welfare that the State may do within the temporal sphere and in view of the temporal good." This may be true enough in a sense, but cannot take the place of a general principle. Nor can it be logically argued from it that whereas the Church has the right to compel every mem-

ber of hers to know a minimum of religious knowledge the State may compel its citizens to acquire a minimum of secular instruction. The authority of the Church in the spiritual sphere is much greater in intensity and in extent than the authority of the State in the temporal sphere. This brings into light an essential difference in the nature of either society—a difference which ultimately originates from their respective ends and objects. The end of the Church is the spiritual welfare of every single individual member as well as that of the whole ecclesiastical body ; the end of the State is the temporal welfare of the whole society *qua talis*. One looks at both, the individual and the public good; the other at the common good only. Hence the authority of the Church reaches just as directly and immediately the activity and the good of the individual as that of the whole body. She has, therefore, a *forum internum* and *externum ;* while the State procures the welfare of the individual, not directly, but only through the common, the social good, it influences the individual activity only through society, and consequently has only a *forum externum*. The immediate object of civil authority promoting the social welfare common to society as an external, visible body or union of individuals can consist only in enforcing external peace and order and in wisely directing its subjects in the proper use and enjoyment of things external and visible. Things that directly concern the intellect and will of man belong essentially to the individual as such and cannot be common in any sense except inasmuch as the external and juridical relations of the members of society are affected by them. Hence the State has a direct and immediate authority and control over temporal and corporal things, while in regard to things of an intellectual and moral nature it can only exercise an indirect, mediate right whenever the needs of society demand it.

The same ideas may be expressed in another form. The Church has direct immediate authority *individually* over each of its members, while the State has such a right only *socially* (media societate) over its subjects. Hence no conclusive argument can be drawn *a pari* from the authority of the Church to that of the State. They both do not only move in different spheres, but their respective rights and powers bear a different application even within their sphere.

Here a remark may, perhaps, help to dispel some confusion arising from the use of these terms, *direct* and *indirect* right. Is it not the *usus loquendi*, the common way of speaking, that in simple,

ordinary writing or conversation, when affirming or denying a right, we only mean the direct right; but do not thereby necessarily deny the indirect right? Thus to the question has a man the right to kill another, everybody answers without hesitation: No. And yet moral theology maintains that I have the right to kill an unjust aggressor, if it is necessary in self-defence. It is an indirect right. To the question, has man a right to seize and use the property of his neighbor, the quick reply follows: No. And yet man may take his neighbor's loaf to avoid starvation. It is an indirect right. If a writer, then, simply denies to the State the right of compulsory education, he does not thereby deny the indirect right where public necessity calls for it. In the same way, by denying to the State the right of teaching morality and religion, one does not necessarily deny the indirect right of the State in the manner and to the extent that the public welfare demands. The same usage of speech among Catholic writers may be observed in a parallel case, viz: in the question whether the Church has a right or power over temporal, civil and political affairs. In common parlance we answer: No; without entering upon the fine distinctions that theological writers have drawn out on this subject. Yet, there is no Catholic writer who does not claim for the Church the indirect right to concern herself positively not only with ordinary temporal matters but even with the politics of a country, if her end and mission render it necessary.

The practical importance of this distinction between direct and indirect right is very great, as appears from the case just mentioned, the right of the Church in regard to politics. Suppose it were simply affirmed that man has a right to kill or rob his neighbor; that the State has a right to teach (by authority, as the phrase necessarily implies,) morality and religion; that the Church may enter into politics, everybody would understand the direct and immediate right, and consequently immediate control, direction and administration of the matter implied. The same difference in regard to practical consequences applies fully in the matter of compulsory education, according to whether we call it a direct or indirect right. It is a *question of principle*, and it is unnecessary to tell Americans of what paramount importance all questions of principle are, when they concern the respective rights of citizens and Government. This is true even, though, for the time being and under present circumstances it would practically make little difference in which way the question be answered. Solid prosperity and the lasting good of a nation can be secured and guarded only by carry-

ing out in its life the true principles of politics and public economy. The contrary will infallibly, in the course of time, work the ruin of the nation.

Last January the *Baltimore Sun* published a correspondence pretending to come from Berlin, which was evidently calculated to impress the reader with the conviction that in Europe the Catholic Church fully and unhesitatingly acknowledges on the part of the State the direct right of compulsory education. What we consider to be the true interpretation of the facts adduced by that writer may be briefly stated in the following remarks:[1]

1. There is nowhere any direct, clear and explicit utterance of the Church, the hierarchy or her theologians acknowledging such a right of the State. All the words that came from this source can, we believe, quite sufficiently and fully be explained of the direct influence by which the State ought to promote general education by fostering and guiding the public sentiment and opinion in this matter, and by offering to the voluntary co-operation of its subjects all the facilities and opportunities demanded by the people. Where the State fulfils its whole duty in this manner compulsion will be unnecessary and consequently unlawful. It must also be remembered that utterances of a few individual Catholics, no matter how loyal to the Church, do not of themselves voice the sentiment of the ecclesiastical body.

2. In submitting to State compulsion in the matter of public education the Church and religious orders simply gave way to dire force and necessity. In many or most cases it would also have been useless and often perhaps inopportune to protest against that usurpation on the part of the State. Cardinal Manning, l. c., in his article : "Is the Education Act of 1886 a just Law," having enumerated the principles of the Act, remarks : "Now these principles have been so long admitted and have worked themselves so deeply into public opinion and daily practice that no scheme or proposition at variance with them would be listened to. The condition thus made for us (he speaks of the Catholics of England) being irreversible, our duty is to work upon it and to work onward from it for the future." These last words are the key to the policy of the Church in Europe.

[1] Cannot a competent writer, fully acquainted with the history and actual state of public education in Germany, France, Belgium and England gives us a fuller view of the position taken by the Catholic Church in those countries? It would be a most valuable contribution in the present question.

She had to take the actual conditions, make the best of them, as we would say, and hope better things from the future. Still, even while the Church did silently tolerate the unjust claims of the State in order to avoid greater evil, she never tired of demanding loudly and persistently free admission and influence over primary schools to make them truly Christian.

3. From the action of the Church, therefore, nothing can be inferred as to her doctrine concerning the question of principle. She silently admitted what she could not prevent or change. Under such circumstances the axiom, *qui tacet, consentire videtur*, is inapplicable.

4. When in former times bishops, synods and councils did call upon civil authority to compel parents to send their children to school, it is to be observed, *a*, that such schools were Catholic; *b*, that the government was Christian; *c*, that the purpose, moreover, was not secular instruction, but Christian education; *d*, that this was the surest and most efficacious way to make Christian education universal for all children. Hence, as the intention was *propter religionem*, the Church had a right to invoke the secular arm in her support, and civil authority was bound to answer the call. But where is there in all this any acknowledgment of a direct right of State compulsion to promote secular knowledge?

Here we close our paper confined to the subject of compulsory education as considered in itself, independent of the teaching of other writers on the matter. What we have thus far said may show, at least, that the right of compulsion claimed for the State is not so absolutely certain as to render its opponents deserving of a pitiful smile on account of their simplicity and ignorance. *Pauvres imbéciles!* If many things may be said in favor of such compulsion, there are just as many and stronger objections that can be raised against it.

In regard to authorities or Catholic writers put forth as champions of compulsory education, we believe a critical analysis would show them to speak, with few exceptions, of the right to *promote* general instruction by public means and with public moneys, but only of an indirect and accidental right of *compelling* in certain cases, which is not the same as general compulsion. The task showing this fully we must leave to others. The celebrated philosopher, Card. Zigliara,

may serve as an example. In his treatise on this question (Summa Philosophica, vol. iii, p. 11, l. 2, c. 1, a. 5), he is very positive in asserting the primary and inadmissible right of the parents. Having argued against absolute State compulsion or exclusive State education, he puts the objection (3d) : " The State has, at least, the right to see that parents instruct their children. Therefore, as regards instruction, the State has certain rights which it alone may define." The next inference would naturally be: the State may judge it proper to compel parents to have their children taught, and the law must be obeyed. What is the Cardinal's answer? It is very guarded, and, to our mind, quite significant. He says : " *Nihil detrahere volo juribus Status civilis; at jura ipsius non sunt jura divina, sed jura limitata, quibus alia jura præ-existunt non minus sacra, imo magis sacra quam jura Status et quæ non destruere sed tutari Status tenetur. Jura autem Status tantum se extendunt, quantum se extendit aperta necessitas boni communis societatis.*" This certainly does not look much like compulsory education. In the same place Zigliara answers to the common objection (l. c.) that education bears directly on the common welfare, *quia ab educatione puerorum maxime pendet prosperitas societatis politicæ.* But social authority may regulate the external relations of the family with the body politic. *Ergo socialis auctoritas potest disponere de instructione.* Listen to the Cardinal's answer: *Imprimis si hæc ratio valeret, nimis probaret.* For there is no civil external act which does not bear some external relation to civil society, and thus, under the pretext of the common good, civil authority could regulate every single external act of man. *Hoc est, non homines, sed pecudes essent homines in societate viventes.* But grant the major premise; *ex hoc quid sequitur?* only this (*illud solummodo*): that civil society has the right and duty to furnish parents with the best means (*media aptiora*) to educate their children; that it has the right and duty to watch (*invigilare*) in order that neither parent nor teacher nor school may pervert the mind of the children instead of instilling into them knowledge, good morals and religion; TUTANDO HOC MODO CONTRA ABUSUS *jurium parentum vitam moralem filiorum, sicut contra eosdem abusus potest et debet tutari vitam eorum corporalem. En limites societatis civilis quos nonnisi contra sacra jura paterna excedere fas est.*[1] This certainly is not compulsory education. The passage which we have put

[1] See also in the same place the interesting question concerning the State's right of conferring academic degrees.

in capitals gives the key to the meaning of the Cardinal if the rest should leave any doubt. That right to watch (*vigilandi*) over the schools is not a direct right, implying full control of schools, examination of teachers, official programmes, etc., but only an indirect right to prevent abuses that would endanger society in the growing-up generation. It is the same right by which the State can hinder parents from sending their children to labor beyond the strength of their age, say in the mines. It is the same right defined by our glorious Pope Leo XIII. in his Encyclical on the Condition of Labor (*Non civem*), where he says: "*Quamobrem. . . . . si periculum in officinis integritati morum ingruat a sexu promiscuo, aliisve perniciosis invitamentis peccandi: aut opificum ordinem herilis ordo iniquis premat oneribus, vel alienis a persona ac dignitate humana conditionibus affligat: si valetudini noceatur opere immodico, nec ad sexum aetatemve accomodato, his in causis plane adhibenda, certos intra fines, vis et auctoritas legum. Quos fines* [mark the following well, for it contains a fundamental principle of legislation] *eadem, quae legum poscit opem, causa determinat: videlicet non plura suscipienda legibus, nec ultra progrediendum, quam incommodorum sanatio vel periculi depulsio requirat.*" No compulsion without necessity and even then only as far as the evil goes.

In regard to texts borrowed from the Scholastics, we should reply what a modern Catholic writer said of them concerning some passages upon the origin and nature of civil authority, viz.: If those men had to write about these subjects in our days and under our conditions, they would express themselves with less freedom and with greater care. Compulsory education was no bugbear to them, for two reasons: first, the State as well as the schools were then Catholic; secondly, there was at that time no such thing as our modern compulsory education. The history of compulsory education, ancient and modern, would show that, as at present carried out, it is both a pagan revival and a modern invention.

S. G. MESSMER.

STATE CONTROL AND RELATIVE RIGHTS IN THE SCHOOL.

THE certainty that the State has rights and duties regarding child education is shadowed by the difficulty, and, in one or another direction, uncertainty, of limiting and defining them. With a view rather to seek, than fixedly to determine what a State may or must do towards developing the mental and moral faculties of the children within its jurisdiction, a number of queries are set down in this paper to which answers are suggested. They concern mainly State rights, since less question at present attends duty. Hence only one query shall here be noted in the line of the *ought*. Some advantage of methods may come of throwing our points in the following scheme.

Rights[1] of the State regarding :

Teachers ;
1.—Has the State the sole right to select and appoint them ?
2.—Has the State a right to examine them ?

Doctrine ;
3.—Has the State a right to prescribe what shall be taught in Schools ?
4.—Has the State a duty to limit the same ?

Pupils ;
5.—Has the State a right to compel parents to send their children to a State School ?
6—Has the State a right to compel parents to send their children to any School ?[2]

A—PRINCIPLES.

Principles which lead to a solution of these problems run as follows :

I.—The natural duty and right of *educating* their children lies *primarily* in parents. The *supernatural* duty and right of *educating*

1 No attempt is here made at an adequate summary of State rights in the matter of education. The queries are meant to touch only some salient points.

2 Cfr. Van der Aa Ethica, p. 225.

belongs *primarily* and *supremely* to the Church.[1] Since the natural must be subordinate to the supernatural, parents *in educating* their children are *organs*, animated in sacramental marriage, of the *Church* in her mission, duty, right of educating.

II.—The State as such has no duty nor right to *educate*. Her two-fold end of protecting the juridic order and of supplying necessary external public aids to her members founds no such right.

III.—*Instruction* being an essential *part* and *auxiliary* of *education* cannot, at least in the case of the child, be severed from education. The agents, therefore, who are naturally or supernaturally endowed with duty and right to *educate*, have the corresponding duty and right to *instruct* children. Parents, consequently, and Church alone have duty and right to instruct children. They may exercise their right in this respect either *per se* or may delegate it to other persons. The State as such has no *intrinsic* duty or right to *instruct* its subjects *explicitly*. It does it, of course, *implicitly* in all its authoritative enactments.

IV.—The School is an institution both for *instructing* and therefore for *educating* children. It is *essentially* a *substitute*, in this dual function, of the *family*, and an *annex* to the *Church*. The State has therefore no *direct* authority over the School.

V.—The State has an *indirect* right in regard to the School and its functions. It may and should erect schools, equip them for their work. It may appoint teachers, prescribe programs and methods, &c. But these rights it must exercise in just subordination to the *prior* and *higher* rights of family and Church. Further development of these principles will appear in their application to the queries placed above.

1 Quod jus Ecclesiae circa scholas attinet distinguendum est. 1.—*Jus divinum* ecclesiae docendi omnes gentes, ex quo consequitur jus ejus instruendi pueros in religione catholica et vigilandi pro educatione puerorum baptizatorum (quamvis hoc jure relate ad liberos baptizatos Protestantium ad majora malo vitanda uti non soleat); inde sequitur jus ecclesiae vigilandi super scholas, quantum necesse est, ut pignus securum habeat, educationem Catholicam in illis promoveri, quare prohibere potest *e. g.* ne libri mali adhibeantur, ne magistri doceant, qui sunt impii, haeretici &c.; 2. jus *humanum*, quod ecclesia praeterea habere potest circa scholas ab ipsa fundatas vel e fundatoribus donatas, in quibus certe plenum jus habet omnem etiam profanam instructionem dirigendi et omnia ordinandi, sicut quilibet negotium proprium ordinandi jus habet. Cf. Syllab. Pii IX, No 45-48. Costa-Rosetti, Phil. Mor. p. 746.

B.—Queries.

1. The State has a right to select and appoint teachers for its own schools, but no such right over teachers of schools established by private persons, families or church. The teacher as such represents no State authority. He stands in *loco parentis vel ecclesiae.* The State has no *monopoly of teaching*, is not the one supreme schoolmaster. Socialists seek to vindicate for the State these prerogatives on various grounds. They claim that teaching is a public function, and therefore belonging to the State; that State control over all schools is the only assurance of progress in science and advanced methods of instruction, the only way to universalize enlightenment so that it may reach all classes and conditions of society, &c. These reasons are abundantly refuted not only by Catholic ethicians but by other advocates of individual liberty against State interference. The forcible arguments of John Stuart Mill and Herbert Spencer are too well known to need citation here.

2.—Has the State a right to examine *all* school teachers? The State has a right to assure itself of competency on the part of the teachers to instruct and educate their pupils in such wise and degree as necessary to the right exercise of citizenship. If this assurance is obtainable without examination, as *per se* it is, the right of the State to examine is precluded.

3.—Has the State a right to prescribe what shall be taught in schools? The indirect right which the State enjoys over the school involves the right of determining courses and methods in the Schools it may establish. Nay more its duty of providing for the general public prosperity includes the *duty* of providing schools equipped with all that is requisite for solid instruction in the branches that are necessary or highly useful for the general public good. It hardly need be repeated that, in the exercise of the right which answers to this duty, the prior rights of family and Church must be held sacred.

4.—The State has the duty and consequent right of prohibiting doctrine that is *evidently* contrary to moral, religious, social order. Quum auctoritatis civilis infallibilis non est, eos solos errores prohibere potest, qui vel evidenter omnibus ex ipsa ratione appareant esse falsa doctrina ac proinde nociva intellectibus, vel ex effectibus practicis clara experientia deprehendantur exitiales esse.[1]

1 Van der Aa p. 223.

5.—The State has no right to compel parents to send their children to its schools. Parents are bound by no law natural or supernatural to use the aid of a State School in instructing or educating their offspring. Therefore, the State can not oblige them to make use of such means. The widest reach of permissible State interference on this head is thus given by Fr. Cathrein : *When it is proved* in a concrete case that parents utterly neglect their children, so that the latter are liable to become a burden and a danger to the community, the civil power can force such parents to fulfill their duty, and therefore, also to send such children to school, or the civil power itself can provide for their education, *with just recognition however, of the higher* right of the Church.[1]

6.—Has the State a right to force parents to send their children to any school, leaving them the *right of selecting* the school? This is a point on which we find varying theory among jurists. "It is commonly admitted," says Fr. Cathrein, "that since it is, on the whole, impossible for one to fulfill properly his social duties without some elementary knowledge, the State may exact from all its children, by law, the acquiring of such knowledge. Moreover, the Church, in order to exercise her function of religious education, may, in certain circumstances, oblige parents to send their children to school. In such a case the civil power may, in agreement with the Church, hold children to school attendance."[2]

Distinction must be carefully held between *compulsory education* or *information*, and *compulsory attendance* at school. Parents may be obliged, by law, to provide their children with the amount of instruction necessary for the latter to perform their social duties. How such instruction shall be obtained is, *per se*, left to the judgment of parents. "At most the Sate may reserve for itself to examine children at a determined age with a view to assure itself of the observance of its law. For such parents, therefore, who are not in a condition to instruct their children themselves, or to secure for them a private teacher, there follows an *indirect compulsion* to send their children to some school, for thus only can they satisfy the requirements of the law. Whoso holds that a certain amount of informa-

1 Moral Philosophie, Vol. II, p. 498. In other words the State has a right in *special cases* and *per accidens* to force parents to send their children to an elementary School, salvis juribus ecclesiae. Vid Costa-Rosetti, p. 744.

2 It goes without saying that the State can make school attendance a necessary condition for obtaining of certain social advantages, such as public positions.—Cathrein, p. 498.

tion is *necessary* for every citizen in order to get along in society and to fulfill his social duties, may logically maintain the justification of compulsory instruction. The minimum of generally necessary knowledge marks the highest limit of such compulsion. However desirable other attainments may be, this simple utility gives the State no right to extend force into the domain of parental rights."[1]

As to the matter of *compulsory attendance at school* the State's right hereto is by no means well-founded. The natural right of parents to educate, and consequently to *instruct* their children cannot be invaded without a violation of *commutative justice*. The State therefore to impose on parents a determined mode of exercising their right must prove a claim to a stronger right to which the parental must by consequence yield. Now the State can show no such right. Let us see. The providing of schools belongs to the *secondary*—the *subsidiary* end of the State—to the supplying of means making for the general public welfare. Now the State can force no one to make use of such means unless non-use involves a violation of the juridic order, which it is the *primary* end of the State to keep intact; and consequently unless force is necessary to protect its own or its subjects' rights.

Is compulsory school education necessary for the State to defend its own rights? What are these rights? They are summed up in the phrase—"*general public property.*" In conflict with this the natural rights of private citizens must at times be restricted. Does lack of elementary *schooling* conflict in such wise with the "general public property" that parents must yield their *prior right* to educate their children *in the way and with the means* they judge proper. Grave writers think that it does. The common public weal, they say, demands that the intercommunication of head and members in the State be easy, unobstructed, that therefore all subjects should have the requisite information for knowing and receiving official enactments which are ordinarily made through the press. This is certainly highly desirable, especially for the convenience of public functionaries. Still it does not clearly found a right of interfering with the higher parental right. *Grave necessity* not *official advantage*, alone can do this.

Social unity, moreover unity of minds and wills, of the members of society, is requisite, it is said, for the common weal. This unity demands that instruction and education which can be given to

1 Cathrein, *ib.*, page 495.

children only in school. It may be granted that social unity can be attained only through the aid of schools in a State wherein all schools, their government, teachers, programmes, methods, agree as to the fundamental principles of morality and religion. Where in the present world shall we find such a State?

Moreover, the large advantage of such compactness of thought and deed as involves school education shows that all inducements should be held out to parents to send their children to school, but does not *per se* imply the State right of coercing them to do so.

It must not be lost sight of that the stress of compulsory schooling falls mainly on the poor. The well-to-do can employ private tutors in their families, and thus are regarded as co-operating sufficiently towards social unity. It is not quite clear why the State on the *grounds of protecting its own rights* may force the poor man to send his child to be instructed outside his own home.

Morality and religion it is urged are at the basis of public prosperity. Now ignorance is the mother of vice. Schoolless children fill our highways with vagrants, our prisons with criminals. Sufficient ethical instruction can be given only in the school-room.

No thinking man will deny or attempt to minimize the moral evils that so often darken the ways of the ignorant. Neither will any one, on the other hand, contend that vice is always the effect of ignorance. The *omnis peccans est ignorans* is often overstrained. Moreover, statistics show that where "culture" most abounds crime is not unfrequently most rampant.

"Some zealous advocates of reformatories, houses of refuge, houses of juvenile delinquents, etc., in their congresses, I am informed," says Dr. Brownson, "proposed to urge upon the civil authorities to take forcibly the unoffending children of poor and vicious parents, not likely to bring them up properly, even against the assent of their parents, and to place them in State institutions, where they will be instructed in the religion or no religion of the persons selected to manage them; but in all such cases they are likely, as experience proves, to grow up worse members of society than they would have done had they not been taken from their parents."

These institutions are never successful reformers—either of the young or the old, of individuals or of society, in morals or in politics. The intention of these reformers may be good, their sentiments benevolent, and their liberality large, but their institutions seem always to lack the blessing of God and their subjects, when they come out, are, as a rule, covetous and dishonest, infidels or fanatics, without

any true or fixed principles. Then it is a great mistake to suppose that the class from which these are taken, is the most dangerous class in our cities. Drunkenness is a vice and a sin, but it is not confined to the lower class, nor is it more hurtful to the soul, or *distructive to society* than pride and covetousness. There is not less virtue in the so-called lower classes than in the so-called upper classes ; and the children of those we call the poor and vicious are not worse brought up than the children of the rich and fashionable. The really alarming feature of our society is the constant growth of corruption and wickedness, of vice and crime, in high places. The extravagance of shoddy and petroleum, the frauds of bank presidents, cashiers and tellers, of railroad directors and managers, the failure of banks, especially of saving banks, to say nothing of the corruptions in Congress, State Legislatures and Municipal Governments, are a thousand times more *threatening to the State, to society*, than intemperance, theiving, robbery and murder, so appalling among what are called "the dangerous classes" of our cities and towns.

If we make the State supreme in morals and education nothing is to be said against taking away the children whose parents, whether rich or poor, educated or uneducated, fashionable or unfashionable, seem to the police to be incompetent to bring up their children in virtuous habits, and sending them to a protectory or a house of refuge ; but if we accept the rule given by Catholic tradition we can send none without the consent of their parents, who have not committed some offence punishable by law, nor even then send them without the same consent, to institutions in which ample provision is not made for their being trained in the religion of their parents."[1]

The general prosperity of society, we are told, largely depends on the progress of the mechanical arts, which, in these days, demand some, at least, elementary, schooling on the part of artisans.

It may be answered that parents who find it their interest to devote their children to trades, etc., necessitating book learning, will freely supply the condition or have it supplied in the proper school.

If now we turn to the rights of children we do not find here *per se* a title to the State right of coaction. Within the family *in se* children have a right rather to education in harmony with the will of

1 No one will say that Dr. Brownson was not intimately acquainted with the genius of the American people and their institutions. His great work on the Republic, which receives the highest approval even of those who are alien to his faith and philosophy, bears ample testimony to his truly American feeling. The principles laid down in our citation and throughout the article whence it has been extracted (on "Whose is the Child ?"), seem *mutatis mutandis* to make strongly against the right of the State to force school attendance. Brownson, Works, vol. 13, p. 403.

their parents than to schooling at variance with that will. Again, where is the proof that children have a *strict right* to be educated *á l'ecôle?*

Looking at the family as a member of the body politic, it may be claimed that children have a right to share in the general civil and social advantages which it is the secondary end of the State to furnish for all, but from which they are excluded, and are therefore practically outside the range of the subsidies of civil society, unless they have received some school training.

The main supplementary purpose of the State is to furnish external goods, necessary, useful, for the true temporal happiness of its subjects. Now we needn't go back to the dark ages nor seek in illiterate communities to-day an experimental argument, to show that true temporal happiness even as conditioned by the external goods supplied by the State does not depend upon a certain amount of knowledge, especially such as must be gleaned in the schoolroom. It lies fairly evident in the nature of things that a man may have no small degree of culture, mental and moral, and quite a sufficiency of true happiness, without book-learning.

We have no ambition to pose as an apologist of illiteracy, nor to defend parents who neglect sending their children to school, but whether we look at the rights of the State to its own well-being or to the rights of children, as subject to State protection, we do not see a just title for *forcing* school attendance.

IS IT OPPORTUNE?

IN connection with the discussion occasioned by Dr. Bouquillon's pamphlet "Education, to whom does it belong?", compulsory education as one of the phases of the controversy has been attracting special attention. Whatever the merits of the question in the abstract may be, it seems clear that a plea, on the part of Catholics, in favor of compulsory education is, to say the least, inopportune, and as Dr. Bouquillon himself tells us "inopportune truth is truth accidentally injurious."

Waiving the accuracy of the unqualified proposition that "the State has a right to enforce education," we cannot agree with those who practically propose such a measure of forced education by the civil government, whether we consider the people on whom it would

be foisted, the character of the government under which we live, or the evil consequences to which it would inevitably lead under the circumstances inseparable from its application.

On what ground do the defenders of compulsory education urge such a right and its exercise upon the State? Because, say they, the State must see to it, that it has enlightened citizens capable of carrying on the government. Surely no careful student of American history, no shrewd observer of the tendency of our times or of the character of the American people will say that there is actually any danger that we may want citizens competent to discharge with intelligence and credit the highest offices of the State. But, it is urged, such a want may occur, and then the argument will hold good. It is just here we see the inopportuneness of the plea for compulsory education. That the State has this right is the point to be proved. Now, to urge upon the State the exercise of a right, which it is doubtful that it possesses, and because of an emergency that may arise and at a time, when, humanly speaking, the probability of such an emergency is reduced to a minimum, is to say the least inopportune and the axiom "inopportune truth is truth accidently injurious" may here find its application.

Many, however, see in the employment of great numbers of our young children in shops and factories, at an age when they should be in school, a tendency to lower the appreciation of education and a sign that the emergency, in which the State must exercise its right of compulsory education, is not so remote after all. But before this evil, which all must deplore, can become an argument for compulsory education, it must become evident that parents send their children to work at this early age because they are adverse to giving them an education. Surely this cannot be said. Are we not rather to seek the cause in the fact that poverty pinches or that parents are overeager to grasp the mighty dollar? Then, too, are there not laws about which there is no question or doubt as to whether the State has the right to enact them, and by which this abuse can be regulated? With just laws in the power of the State to correct an evil of this kind it is surely inopportune to attempt to settle upon the State the questionable right of compulsory education.

Americans have always emphasized and glory in the fact that in our free country the liberty of the individual is absolutely safeguarded in the exercise of his rights. This principle is laid down in our written charter and interwoven with the moral fabric of our legislation. The liberty of our citizens corresponds in just proportion

with their responsibility, and to this fact mainly do we owe our healthy and vigorous growth as a nation. To restrict individual liberty or to take from the citizen any part of his personal responsibility is contrary to the spirit of American institutions and injurious to the best interests of our national life. Now among the most sacred rights of the individual is the right of the parent to educate his child. By the right of compulsory education the State practically lays down the principle that without necessity it may hinder the parent from the exercise of his personal rights, and assumes to itself the responsibility, naturally intrusted to the parent, of discharging the duty which this right entails. It must not be forgotten that the parent has from nature the prior right to educate his child; for before the State existed this right and responsibility rested in the family. Instead of the exercise of rights prompted by the inborn love of the parent, who wishes for his offspring the best—even though this be relative—in the physical, intellectual and moral order, we have the State, simply on the avowed principle of utility, assuming parental rights and the discharge of parental duties. We say nothing of the fact that to enforce such a law the people must be taxed for the support of a corps of officers to examine into its observance; but the individual liberty is further lessened by the necessity of invading the sanctuary of the home on the mere supposition that the parent is not discharging his duties unless he proves the contrary to the minions of compulsory law. Is this in harmony with the Constitution, which guarantees us the free exercise of our rights? Are we to say to the State: Drive us! and we are willing to consent to pay the police in order that they may whip us into the spontaneous abandonment of rights which our Constitution says we are free to exercise.

And what are the actual conditions of a people among whom this plea of compulsion is being made. Is there any flagrant neglect of duty on the part of parents? Is the safety of the State threatened by such neglect? Not at all. This argument for compulsory education is made at a time when the people are for the most part exercising these rights and performing these duties to the best of their ability and with singular success. We are living in a country where the government of the people spontaneously agrees to enforce a stricter civil service law, and where are found in abundance men and women competent to undergo the necessary examinations as a guarantee that the offices of the State may be discharged with safety and ability. We find too that under the free exercise of the

rights guaranteed by the Constitution our people has of its own accord reared up institutions of learning which attest the intellectual advance and efforts of the nation. So numerous have these institutions supported by the people become that the question has been raised whether private schools are not useless or perhaps a national evil? We are of the mind of President Eliot of Harvard, who sees in such individual efforts a legitimate and useful exercise of private rights, more in accord with our Constitution than are our much vaunted public schools. Surely it will be allowed that, under such circumstances, the plea for compulsory education, foreign as it must seem to our political principles, is in every sense inopportune.

"Free attendance upon free schools seems to most befit a free people," are golden words taken from Gov. Pattison's recent veto to the bill for compulsory education in the State of Pennsylvania. It is quite to the point and we take the liberty of quoting from it. "This legislation is the first step taken by our Commonwealth in the direction of compulsory education. That feature of a common school system involves serious political, educational and social problems. They have not yet been definitely or satisfactorily solved by the experience of other States. In grappling with them therefore, it is needful that sure ground should be occupied in order that it may be successfully maintained. The State has provided with increasing liberality for the education of all the children of all its citizens. While it has furnished the opportunity to all, it has imposed the obligation of attendance upon none. Free attendance upon free schools seems to most befit a free people. I am well aware of the necessity claimed to exist for compelling certain classes of people to avail themselves of the opportunities offered them, but compulsory education is such an invasion upon existing systems in our Commonwealth, that if it is to be inaugurated it should be done under the most favorable circumstances. It will not avail to pass a a law of uncertain character or so widely at variance with the popular sense of what is just that it shall be a dead letter on the statute books." The plea for compulsory education is against "the popular sense of what is just," it is against the spirit of American institutions and hence is inopportune. "Free attendance upon free schools seems to most befit a free people."

Catholics in this country have had from the beginning certain convictions on the School questions, convictions growing out of the conditions of Church and State in this country, convictions confirmed

by the careful legislation of our Bishops assembled in the Plenary Councils, convictions sanctioned by the decrees of Sacred Congregations and the instructions of the Holy See, convictions indorsed by millions of Catholics who patiently endure an unfair taxation that they may exercise their God-given right to educate their children and to exercise it without hindrance as guaranteed by the Constitution, convictions in support of which thousands of zealous priests are dedicating their best efforts and their lives that they may build up, support and carry on conscientiously our system of parochial schools. Is it not inopportune to weaken and destroy such convictions? And weaken and destroy them the plea for compulsory education does. Compulsory education logically leads to compulsory State schools. For the State, with the right of enforcing a system of education, with the right of compelling the adoption of fixed programmes, may prescribe what private schools cannot accomplish. The right of judging of the competency of teachers would not in our country be always in safe hands. The officials may disapprove where they will. The State may enter the parochial school to take possession, and who will stop it? Remonstrate! The State will say I have the right to compel the acquisition of such and such an education, your standards, your methods, your teachers do not suit the majority. The ideal to be reached in all schools would have to be found in the State schools. How long then can we suppose the State would conduct a laborious and expensive inspection of private schools in order to be assured of their fitness to be convinced that its standard is reached! The same right which allows it to control private schools would suggest the simplifying of the whole system by compulsory State schools. Here are the programmes it prescribes, here the teachers it judges competent, here the methods it approves, here the schools you must attend, to wit, State schools! It may be urged that this would be an abuse of power. It can hardly be regarded as such, for where will you draw the line of rights if it belongs to the State to judge of the legitimate means which it deems necessary for the common temporal good? The State judges the State school a legitimate means and necessary for the common temporal good, and hence compulsory education ultimately and logically means compulsory State schools. What then is to become of our convictions, what of the legislation of our Councils and bishops, what of the labors of our priests and the enormous sacrifices of the Catholic people, if we sanction a plea that will inevitably lead to State schools. These schools must be,

as they actually are in the true sense of the word, godless, since the State has no mission to teach religion, and owing to the peculiar circumstances surrounding us in this country could not do so without violation of individual rights of conscience. Are then our convictions never to be realized? Are our parochial schools to be secularized? Is the religious training of our children, their true education in our Catholic schools to be exchanged for the irreligious instruction of the public schools? Certainly, any plea that asks this, violating directly or indirectly our most sacred convictions, is inopportune.

We need not dwell upon the fact that the plea for compulsory education is the first step in bringing about a condition of affairs which will lead in this country to a conflict between Church and State. In no country in the world does the Church enjoy the liberty of carrying on her divine mission, untrammelled by State interference, such as is granted her in this country, and the argument which leads to an abridgement of this liberty is surely in every sense inopportune.

Compulsory education is the first door opened to the State by which it may enter upon the general control of our domestic affairs; it is the first step towards the imposition of the intolerable yoke of paternalism so galling to intelligent Europeans; it is the beginning of that process of absorption by the State of all individual and corporate rights and powers, making for the complete centralization, and abject worship by its citizens of the State. The whole tendency of this movement is un-American and as Americans we oppose it. It is detrimental to our best Catholic interests and as Catholics we can never approve of it. Even if such right appeared to be established, we would both as Americans and as Catholics deprecate and discourage its exercise. What then must we conclude, seeing on the one hand the doubtful existence of the claimed right and on the other the dangers with which it is fraught hindering the exercise of our liberty as citizens and our freedom of conscience! Assuredly, there is no other way but to admit that the plea for compulsory education is wholly inopportune, and if ever "inopportune truth is truth accidently injurious," it seems to be particularly so in this case.

DENNIS T. O'SULLIVAN, S. J.

CONFERENCES.

CORRECTION.

In a book notice which appeared in the March number of the REVIEW M. Des Houx was erroneously mentioned as a former editor of the *Moniteur de Rome*. We are indebted to Dr. O'Gorman, of the University, for directing the attention of the Catholic public to the mistake in a letter published in several newspapers.

The error was an accident which it would be useless to explain here, because it does not in the least change the nature of our statement to the effect that the *Moniteur* is an untrustworthy source of information regarding Vatican affairs; that it advocates, and makes no secret of professing, "Liberalism" in religion, and that, while avowedly Catholic, it is often hostile to the actual interests of the Holy See and out of accord with its open intentions. In short, it can in no sense be said to speak the mind of the Sovereign Pontiff. In Rome it enjoys no credit; but Catholics abroad are largely at the mercy of it on account of the "Associated Press" dispatches, which reach us through the same channel. The pages of the *Moniteur* for the last seven years will amply bear out these statements, even if we had not the assurance of such authorities as the *Civilta Cattolica*, a periodical wholly indorsed by the Holy Father. We are restrained from personalities, which require a more serious indictment than the above-mentioned letter; but we repeat that Catholic journalists who copy from such papers, even though it be by "special request," are liable to risk their reputation for independence of judgment, if not for honesty and Catholic loyalty.

THE CEREMONIES OF HOLY SATURDAY.

Qu. Is it permitted to have two celebrants for the ceremonies of Holy Saturday; one to bless the fire, the candle and the Easter-water, while the other is reciting the Prophecies and saying the Mass? It would save much time and be a great relief to the priests since the service is very long and fatiguing.

Resp. The rubrics regulating the service of Holy Saturday suppose that there is but one celebrant who performs all the func-

tions in successive order as indicated in the Missal. (Cf. Rubr. Miss. Sabb. S.)

In this connection we may mention that the question has been raised whether one priest could perform the Blessings and another celebrate the Mass, both succeeding each other in the prescribed order. De Herdt (Praxis iii, n. 57, ed. 8,) seems to favor the affirmative in cases of necessity or long established custom. In support of this opinion he cites a number of decisions given by the S. Congregation in favor of particular churches. But we doubt the validity of his inference because the same Congregation has in several instances plainly refused to sanction such usage, intimating that the ceremonies must be performed by one and the same celebrant. Hence the references given by De Herdt merely prove that in the estimation of the S. Congregation the functions of Holy Saturday are not necessarily inseparable and that in particular cases it would actually dispense with the rubric prescribing their performance by one priest.

A writer in the *Ephemerides Liturgicae* (Feb., 1887,) takes up this view and strenuously defends it, showing that, although the ceremonies of the Blessings on Holy Saturday are "divisibiles et posse ab uno fieri Benedictionem Fontis, ab alio Missam cantari," it nevertheless requires a special dispensation in each case, since such is the tenor of the liturgical laws. "Ita Rubrica ita decreta, ita congruentes rationes, ad quorum exigentiam maxime peroptandum, ut omnes sese ecclesiae accommodent." De Herdt cites one instance where the request to allow one priest to perform the Blessings and another to celebrate the Mass was refused by the S. Congregation, but there are a number of later decisions than the one he gives to the same effect, viz., "Usum contrarium decretis," showing that the burden of former decrees is opposed to the practice.

It should be added, however, that the Diocesan Bishop may perform the Blessings and delegate another priest to act as celebrant of the Mass, "est enim illi potestas delegandi, et quod in casu per alium facit, per seipsum facere videtur, cum delegatus Episcopi nomine celebret." (Ephem. loc. cit.)

CONDEMNED SOCIETIES.

A number of questions have been sent us from time to time regarding the attitude of the Church toward particular societies, such as the "Odd Fellows," "Knights of Pythias," etc. Although it is

well known that the number of "Secret Societies" under different names is very great, and that they are, for obvious reasons, forbidden by the Church, the Holy See has enjoined upon the clergy that they abstain from condemning such societies *by name* before the united voice of the Archbishops have sanctioned such condemnation. This restriction, the object of which was plainly to avoid odious discrimination and to assure some unity of action in a matter which might prove dangerous if left to the individual judgment, has been misinterpreted as if it allowed free scope to Catholics in joining societies not *nominally* condemned. The article of the Archbishop of Milwaukee, which appears in this number, will throw some light on the subject. It gives the result of the recent private deliberations of the united Archbishops at St. Louis. We subjoin the *Instructio* of the Most Rev. Dr. Katzer to the clergy of the Archdiocese (vide Analecta) as a practical illustration of the outcome of the St. Louis conference. The distinction of societies *nominally* excommunicated and societies either nominally or summarily *forbidden* is worthy of note in the practical dealing with the subject.

PURPOSE OF THE DISCUSSION ON THE SCHOOL QUESTION.

It may appear to some that the discussion on the School question is being drawn out with unnecessary length, and that hardly any definite result is likely to be gained from it, unless it be the free exchange of views. We must confess that we should not be satisfied with this result. When the subject had been started from an authoritative quarter we felt it our duty as Catholic publicist to defend the approved method in education against an innovation which seemed both inopportune and hazardous to Catholic interests. The REVIEW thus became an exponent of Catholic sentiment from various points of view. What is still wanting we hope to supply. The article by Bishop Messmer, in the present number, is truly a masterly exposition of the subject of compulsory education. He takes account of the attitude of his opponents with the most fair-minded and keenest power of discrimination, and there seems nothing wanting to the completeness of the theme. The other articles on the same subject have a merit of their own in viewing separate phases of the same subject, and treating it in an original manner which may appeal more distinctly to different minds.

As a further step, however, and a result of the preceding discussion, we propose to lay before our readers a *practical scheme*, setting forth in legal form such demands as Catholics might in equity make from our civil Legislature. This scheme will be drawn up by a representative jurist, with the co-operation of an experienced Catholic schoolman. It will then be published, together with notes and suggestions from leading lawyers and educators in this country, so as to form the basis of a uniform proposal to the State on the part of Catholics in case there be any question as to who is to undertake the education of their children. Such a platform would be most desirable under any circumstances, but it will be the part of the clergy to determine eventually how much or how little we should yield in the matter of individual rights.

Before we carry out the last part of our programme, as just detailed, we shall bring an exact summary of the existing conditions of State education in Europe, partly to point out the relative advantages and disadvantages of the State system ; partly to refute an erroneous statement made (under similar auspices as the pamphlet of Dr. Bouquillon) some time ago in our papers, as if the Catholic Church expressly indorsed certain systems of education in European States, which handicapped the parental right. Mgr. Dr. Schroeder, of the Catholic University, has collected the necessary data on the subject in a paper which will appear in our next number.

INCENSE AT HIGH MASS.

Qu. May incense be used in the ordinary *Missa cantata?*

Resp. No. There is a decision of the S. Congregation, dated March 18, 1874, as follows :

In missa quæ cum cantu sed sine ministris celebratur incensationes omnes omittendæ sunt.

(*Decr. authent. Mühlb. Suppl. III, Thurificatio.*)

ANALECTA.

SOCIETATES PROHIBITAE.

Instructio.

Per Secretarium Conventus Archiepiscoporum habiti in urbe Sti. Ludovici diebus 29. Nov. et sequ. A. D. 1891, certiores reddimur, Archipraesules protestari, se nunquam intendisse Decreta Conc. Balt. III. quoad Societates prohibitas ullo modo immutare hisque Decretis omnino adhaerendum esse.

Huic protestationi innixi transmittimus Reverentiae Tuae Instructionem, quae pars Schematis Synodi habenda est.

1. *Massonici* et *Carbonarii* nominatim et expresse excommunicati sunt.

2. Dubium moveri nequit, quin Socii Singulares (Odd Fellows) et Filii Temperantiae ad minimum nominatim et expresse prohibiti sint.

3. Licet non explicite et nominatim, implicite tamen excommunicatae sunt omnes sectae, quae sub quocumque nomine sive adversus Ecclesiam et Religionem Catholicam sive adversus legitima gubernia machinantur sive exigant a suis asseclis sive non exigant juramentum de secreto servando.

Concilium autem Provinciale Milwauchiae a S. Sede approbatum declaravit, hujus generis esse Communistas, Socialistas, Anarchistas et Tornatores, qui associati sunt foederi generali vulgo vocato "Turnerbund."

4. Implicite insuper excommunicatae sunt omnes societates, quae "presbyterum" seu capellanum proprio marte sibi vindicant aliumve ministrum cultus, cum rituali proprio ac ceremoniis, non quomodolibet, nec sicuti aliquando apud nostrates fit quum preces quaedam in civium conventibus recitentur, sed eo modo quo ipsa societas, pravo sibi fine proposito, secta schismatica aut haeretica evadit.

5. Sub gravis peccati culpa vetitae et ob hanc causam vitandae sunt societates, quae asseclas suas sive juramento sive mera fide data ad secretum tam stricte servandum adstringunt, ut illud ne auctoritati quidem ecclesiasticae (i. e. Ordinario) legitime interroganti impune revelari possit.

6. Sub eadem gravi culpa prohibitae sunt societates, quae obligant socios ad illimitatam et caecam obedientiam.

7. Sunt praeter has et aliae societates, quas nec excommunicatas nec directe et sub gravi prohibitas esse constat, quae tamen dubiae et fidei moribusque periculis plenae sunt, a quibus propterea Episcopi et Rectores Fideles sibi commissos arcere et deterrere tenentur.

8. Sodalitates operariorum, qui nihil aliud sibi proponunt quam sodalium in propria arte exercenda, in sua conditione mediis licitis in juribus suis defendendis mutuo sese tueri et adjuvare, in se licitae sunt, sed plerumque periculosae sociis Catholicis, quia timendum, ne justitiae limites excedant, vel propius ad sectas damnatas accedant, vel propter nimis arctam cum hominibus erroneae vel nullius religionis familiaritatem indifferentismo et aliis falsis doctrinis sensim imbuantur.

Propterea Catholici ab hujusmodi societatibus in quantum fieri potest, dissuadendo retinendi sunt.

9. Generatim omnes societates cujuscunque nominis, quae ex sociis diversae vel nullius fidei constant et magis minusve institutiones, signa, usus et ceremonias Massonicorum immitantur societatibus saltem dubiis et periculosis adnumerandae sunt.

In praxi igitur :

1. Massonici et Carbonarii absolvi nequeunt nisi secta de facto relicta, casu semper excepto in quo moribundus nonnisi coram testibus vel etiam in extrema necessitate soli confessario promittere potest, se recessurum esse.

2. Socii Singulares et Filii Temperantiae absolvi nequeunt, donec effectu ipso a societate recedant vel saltem se continuo recessuros esse *serio* promittant.

3. Quando Sacerdos scientia *omnino* certa, extra confessionem obtenta cognovit, societatem quandam ob rationes supra allatas sive implicite excommunicatam sive sub gravi culpa prohibitam esse, hujusmodi foederis socium absolvere nequit, nisi impleta conditione sub num 2. memorata.

4. Quando Sacerdos in confessione deprehendit, poenitentem esse asseclam societatis, de qua dubitatur utrum licita sit necne, religiose a poenitente inquirere debet, utrum ad unam ex classibus sectarum *implicite* excommunicatarum vel prohibitarum pertineat necne ; si ex responsis detegit, eum pertinere ad talem, socium hujusmodi foederis absolvere nequit nisi impleta conditione sub num. 2. memorata.

5 Quando vero ex responsis cognovit, foedus esse sive per se sive socio confitenti magis minusve periculosum (quoad fidem et mores), poenitentem juxta principia Theologiae Mor. ceu in periculo propiore vel proximo versantem tractare debet.

6. Generatim fideles tam in confessionali quam extra ab omnibus dubiis societatibus pro viribus arcendi et deterrendi sunt.

7. Praecipue vero Rectoribus curandum est, ne Uniones Catholicae, si ab auctoritate ecclesiastica ut tales recognosci et ad ecclesiam cum insignibus suis admitti cupiunt, asseclas Societatum etiam dubiarum tantum sibi socios adjungant.

Quoad funera autem sociorum hujusmodi societatum haec statuimus.

1. Massonici, Carbonarii, Socii Singulares, Filii Temperantiae, nisi actu recesserint a secta, sepultura ecclesiastica privandi sunt, excepto casu, in quo moribundus promittere solum modo potuit coram testibus se recessurum esse.

2. Quum ceterae societates tanquam prohibitae nominatim declaratae non sint, earum socii, nisii aliud quid obstet, sepeliri possunt ; prohibemus vero, quominus ipsorum consocii "in corpore" vel cum insignibus et "regalibus" funeri intersint vel incedant ullosque ritus vel ceremonias perficiant excepta forte Unione, quam vocant " Grand Army of the Republic," quia haec societas militaris magis et patria habetur, exclusis tamen ritibus et ceremoniis quae honores stricte militares non sunt.

Milwauchiae die 14, Febr., 1892.

† FRIDERICUS XAVERIUS.
Archiep. Milw.

BOOK REVIEW.

LA QUESTIONE SCOLASTICA NEGLI STATI UNITI. ESAME CRITICO DI UN RESPOSTA DEL REV. PROF. BOUQUILLON A' SUOI CENSORI. Estratto dalla Civilta Cattolica. 5 Marzo 1892.

This is a rigorous examination of Dr. Bouquillon's "Rejoinder to Critics." It will be remembered that in his first pamphlet, which at once called forth an almost universal protest from representative Catholic Educators and Theologians in this country and elsewhere, Dr. Bouquillon referred to the *Civilta Cattolica* as having taken a position on the school question which it could not support by sufficiently sound reasons. Fr. Brandi, S. J., one of the editors of the *Civilta* and who had been active for years in America both as an Educator and also as a writer, promptly answered the imputation in a clever article for the *Civilta*, published later on in pamphlet form. He showed that Dr. Bouquillon did not sufficiently attend to the distinction of the terms which he used, and that the learned authorities which he quoted could hardly be interpreted to mean what he read out of them in order to sustain his thesis. Dr. Bouquillon in turn repudiated the assertion that he did not correctly interpret the eminent writers whom he cited.

As the whole question resolved itself into the particular meaning which was to be attached to certain words or expressions of men acknowledged on both sides as competent authorities, the only way to obtain a satisfactory answer was to refer to these authorities themselves. What gives special value to their testimony is that they have not only written very solidly on the subject in question, but have done so with reference to modern social circumstances and from a thoroughly Catholic point of view. Accordingly they are asked by the Rev. Editor of the *Civilta*, whether their teaching and the citations quoted from their works by Dr. Bouquillon can be used to support his defence of State-right in the matter of education. The learned Dominican Cardinal Zigliara whose texts are taught in our best theological schools simply answers, that he does not admit any such interpretation. "Non ammette che lo stato, qualcunque esso sia, abbia il diritto proprio e speciale di educare i figlioli dè suoi cittadini," (page 15). Another living authority to whom Dr. Bouquillon repeatedly appeals in his pamphlet is Mgr. Cavagnis, member of the S. Congregation and Professor in the Pontifical Seminary of the Appollinaris. Dr. Bouquillon takes pains to extol the erudition of this author and then asks why it would not be proper to teach in America a doctrine published under the eyes of the Sovereign Pontiff and taught in the Roman Seminary. But Mgr. Cavagnis tells in a letter addressed to the *Civilta* that no such doctrine is taught in in the Pontifical Seminary.

Fr. Brandi goes very minutely into the examination of Dr. Bouquillon's

statements, and points out among other things from the author's own work, "Theologia Fundamentalis" that he did not teach in 1887 what he defends in his recent pamphlet "Education: To whom does it belong?"

CHRISTIAN FREE SCHOOLS; or, The Right of Parents to Provide Religious Education for their Children without Let or Hindrance. The subject discussed by B. J. McQuaid, Bishop of Rochester.—Union and Advertiser Press, Rochester, N. Y., 1892.

It is most opportune to have a Catholic Bishop, who has been for more than twenty years before the American public as a defender of parental right in the school question, come forth at this time to re-state his convictions on the subject. Dr. McQuaid addresses himself as an American to Americans on the vital subject of schools for our children in which the welfare of our Republic may find some guarantee of future stability as of present peace. He does not assail the State schools as at present constituted for those who prefer such schools, although he laments the absence of the religious influence in them. But he pleads, and pleads with unmistakable sincerity and reasonableness, in favor of the rights of parents, who desire for their children "religious instruction, training and enforcements in the schools to whose care they entrust them." His is not an advocacy of compulsory education in the objectionable sense of the word, but an argument for parental right and with the special view of removing those groundless apprehensions in the mind of many Americans, which are fostered by unscrupulous politicians and bigots, as though Catholics proved a hindrance to the progress of popular education by their maintenance of old traditions and a mistaken loyalty to their religion.

This is a book to place in the hands especially of non-Catholics who may have a wrong view of our aims and methods in this grave contention over the rights in education.

N. B.—Want of space obliges us to defer a number of important book reviews to our next issue.

THE PARENT FIRST. An Answer to Dr. Bouquillon's query, "Education: To whom does it belong?" By Rev. R. I. Holaind, S. J. Second edition.—New York, Cincinnati, Chicago: Benziger Bros.

We wish simply to call attention to this second edition of the now famous brochure. Many persons interested in the present school question are no doubt anxious to preserve a complete collection of the different arguments provoked by Dr. Bouquillon's pamphlet. Fr. Holaind was the first in the field, and in conjunction with the subsequent and very thorough critiques by Fr. Brandi and Fr. Conway it is of especial worth as showing that the Jesuits were not, as was assiduously reported, prevented by the Superior of their Order to desist from taking a definite stand on the subject or from publishing their well-sustained views.